Reviews by Alfred Kazin and Peter Gay

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THE NEW REPUBLIC

A Journal of Politics and the Arts—October 11, 1975, 50 cents

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The Failings of Foreign Policy

Hans J. Morgenthau

Rescuing New York

Robert Samuelson

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TRB

from Washington
October 11, 1975

Dreaming

America is confused and a little frightened and it is groping for myths to sustain it. President Ford has offered us one in dedicating the gigantic new FBI building on Pennsylvania Avenue—commemorating J. Edgar Hoover. The nation is creating another in the extraordinary rediscovery of Harry Truman—*Give 'em Hell*, Harry! as James Whitmore has depicted him—simultaneously showing in 1500 family movie theaters across the nation, held over in many places.

Let's consider the two men.

The J. Edgar Hoover Building is the largest, most expensive and maybe the ugliest in Washington and you can't miss it between the White House and Capitol. It was supposed to cost $60 million; cost $126 million; and its architecture is people-repellant. It honors the memory of "a pioneering public servant," President Ford explained; under his direction the FBI became "the superior professional organization it is today . . . with the best scientific crime detection facilities to serve the federal government and the American people."

Hoover, of course, is the man of whom *The New York Times* editorially said in March tried to destroy Dr. (Martin Luther) King's reputation and his marriage." Offended by some of King's views, Hoover sent anonymous material to Mrs. King. It wasn't the first time; the FBI's Operation Cointelpro (Counterintelligence Program) was set up specifically to confuse and harass dissident groups using dirty tricks. The FBI sent a spurious, threatening letter in 1969 to a black Baptist minister, Donald W. Jackson, to compel him to quit his civil rights work in Mississippi and return north. Hoover had private files on prominent people; "that fellow was a master blackmailer; he had a file on everybody," former FBI assistant director William Sullivan said.

On the other hand, J. Edgar Hoover was a money-honest dedicated bureaucrat, who inspired morale and elan in his beloved organization, which became a symbol of law and order for millions of anxious Americans. In fact, in many ways, the FBI is a splendid organization—so long as it is kept in control. But the man to whom the huge building is dedicated was not kept under control; Presidents feared him; he became an imperial figure. Asking for 1000 additional agents in 1970, he told a startled committee of an alleged plot by "Catholic priests and nuns" to "blow up underground electric conduits," to disrupt the government and to kidnap "a highly placed government official"—Henry Kissinger. This was the charge against Philip and Daniel Berrigan and others, the "Harrisburg Seven." The case, of course, didn't stand up.

Public figures become legends after they die and the myth is more important than the man. President Ford lends his prestige to the Hoover myth, the symbol of law and order, the incorruptible cop, the protector against creepy-crawly dissidents from our community of shared values. It will be interesting to see if the resanctified J. Edgar Hoover icon can still do miracles.

So turn to a happier figure, Harry Truman. Can anybody doubt that his sudden revival is a deep-seated folk yearning for courage, honesty and direction? Harry Truman was a spunky little cuss, a fox-terrier of a man, who deserves to be remembered with affection and who might well inspire a great nation in time of gloom.

I was along on that famous "nonpolitical" whistle-stop trip that started out in June, 1948 in a 17-car special with a presidential parlor car in back that, under the paint, still showed the name "Ferdinand Magellan." That was the year, you recall, when the press was 75 percent Republican, and Walter Winchell broadcast that the official betting odds were 15-to-1 against Harry Truman. That was the year Dewey picked his cabinet in advance and lapsed into banalities. That was the year the *Saturday Evening Post* led with a story by Joseph and Stewart Alsop, "What Kind of a President will Dewey Make?"

Press and politicians—we all lived, slept and worked in the same traveling circus. Truman made 16 speeches a day. Theoretically he was traveling to California to receive an honorary degree. The press relished him although we all knew that he was doomed. Nobody threatened his life; why should they? All the way West his vernacular got thicker, his folksiness greater, as he told about Grandpa's covered wagon to Oregon, and produced an appropriate relative in every area he spoke. To a storm of Republican counterattacks he exclaimed at Pocatello, Idaho, "They can't prove nothing; they ain't got a thing on me!" At Davis, California, he explained to a crowd that he was going down to Berkeley "fur to git me a degree."

In those happier days, when the press threw off copy from stop to stop, writing the final penciled word on yellow telegraph sheets against the hot side of a dusty Pullman, and shouting "Postal!" or "Western!" as the train began to move, a topical song always arose spontaneously from the press car. It was columnist Tom Stokes, I believe, who saw the inner poetic relevance of Truman's two historic comments and produced what I shall always regard as the finest natural couplet in political balladry. The tune was "Oh Susanna" and its growth traced Truman across America. Sample:

Oh, Grandpaw went to Oregon, the dough was on his knee,
Grandpaw went to Oregon, the West Coast fur to see.
He got himself a partner in Cal-i-for-ni-ay,
They bought up Sacramento on a lovely summer day.
Chorus: (roared out)
They can't prove nothin', they ain't got a thing on me,
I'm goin' down to Berkeley, fur to get me a degree.

It wasn't all cornpone, either. In his fighting acceptance speech in Philadelphia to a yelling crowd at 2:00 in the morning, off the cuff, he announced that he was going to bring the Republican Congress back to a special session and would ask them to pass laws for a national health program, civil rights, higher minimum wage and social security, and funds "to provide public power and cheap electricity."

Give 'em hell, Harry! I can still see him holding up and cackling over that *Chicago Tribune* headline electing Dewey. Somebody to dream about these dispiriting days.

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Grandiose, But Good?

A little north of Tarrytown, New York, a broad clean highway cuts across several smaller roads near the Rockefeller estate and goes for about five miles before coming to a sudden end. It runs nowhere and carries very little traffic. Known in the neighborhood as "Rocky's folly," it is the relic of a grandiose highway project that never came to be. Gov. Nelson Rockefeller's hopes for that road were crushed when the people who lived in its path refused to let him build it. They disliked the idea of having a highway in the backyard, and even though Rocky was a good and generous neighbor, they stopped his project before it went far. As a result the multimillion-dollar strip of road became a curiosity in the hills of Westchester County.

This September the White House gave notice that it was about to unveil a grand Rocky project that will solve America's oil problem. If approved it will cost not millions, but $100 billion. The first reaction both in the press and the administration was negative. So few people like the idea, in fact, that it may become another Rocky's folly even before Congress has a chance to vote on it. To *The Wall Street Journal* it was the "$100 billion elephant;" to *The Washington Post*, "a remarkably bad idea;" and to *Business Week*, "the wrong remedy." At the White House it was opposed by all of President Ford's economic advisers, most vehemently by Treasury Secretary William Simon and Chairman of the Council of Economic Advisers Alan Greenspan. Even energy chief Frank Zarb, according to *The Wall Street Journal*, was "enigmatic to the end, seeming to oppose the scheme on some occasions, seeming to support it on others." President Ford vacillated too, but in the end he bought the plan, and on September 22 announced that he would have a bill introduced in Congress to bring it to fruition. At this writing, the bill is still being drafted, but the framework has been laid out.

According to the President, the new project will be a massive "supplement" to private energy companies, a federal trust fund that will lend money to oil shale, coal, nuclear and other energy ventures that are too risky to attract the corporations. The fund will be started with $25 billion from US Treasury, and the remaining $75 billion will be gathered by selling public bonds. The goal, the President said, will be to create jobs (he made the speech before the AFL-CIO construction trades convention) and to end US dependence on foreign sources of oil by 1985.

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What's remarkable about the new Ford energy plan is that it's not new at all. Sen. Henry Jackson (D, Wash.) proposed the same idea earlier, except that he called his trust fund the National Energy Production Board. Ford wants an Energy Independence Authority. Ford's program would also cost more. Most significant, however, is that in adopting Rockefeller's (Jackson's) concept, Ford is endorsing just the kind of thing he condemns in speeches to conservative voters. The proposal will bring an expansion of "Rooseveltism," more meddling in private enterprise, subsidies to giant corporations, rule by bureaucrats and all the other hobgoblins that Ford says he wants to drive out of the government. That Ford is willing to contradict himself thus means one of two things. Either he is as emptyheaded as some people believe he is, and simply doesn't understand what he's done. Or, more likely, he feels that his political situation is desperate. He may have guessed at last that allowing oil prices to rise is not an energy policy that will win votes. It may conform to his notions of free enterprise, but it will not please organized labor, to name one powerful group. The new plan is an attempt to steal Henry Jackson's constituency. Will it work? We doubt it. But we await the details of the Rocky-Ford folly.

Correction

The New Republic's lead editorial "Diseased Corn, Imaginary Soybeans" (Sept. 20) stated incorrectly that former officials at Cook Industries, a large grain export firm in Memphis, had been indicted on charges stemming from the current grain inspection scandal in New Orleans. No former officials at Cook have been indicted. The editors regret the error.

Two low-level former employees of Cook have been indicted for offenses allegedly committed prior to their employment at Cook. Another man, Melvin L. Hibbets, vice president for engineering and operations of the grain division at Cook, has been suspended with pay by the company. Hibbets had been singled out by the US Department of Agriculture for "apparent irregularities involving grain inspection" while he was employed by Cook as manager of a grain elevator. The US attorney's office in New Orleans says that both Hibbets and Cook Industries are under investigation.

Cook is currently named as a respondent in administrative proceedings brought by the Interstate Commerce Commission in an ongoing "investigation into the distribution and manipulation of rail rolling stock to depress prices on certain grain shipments for export." The Federal Trade Commission is currently conducting a broad industry-wide investigation into the grain trade—an industry in which Cook plays a significant role—to determine whether an anti-competitive situation exists that causes domestic prices to be artificially high. Cook is currently named as a defendant in pending lawsuits charging illegal price fixing and restraint of trade brought by farmers.

Hawking Arms

Since we commented about the ongoing controversy over selling Hawk missiles to Jordan ("Doves and Hawks," August 16 & 23; "Arms for Jordan," July 5 & 12), we thought we should also note the outcome of the story. Congress has taken a commendable step toward cutting Executive excesses in military sales by successfully employing the Nelson-Bingham amendment to modify the State Department's plan to sell these weapons almost without controls. Sen. Clifford P. Case (R, NJ) and Rep. Jonathan B. Bingham (D, NY)—after initiating resolutions to disapprove the sale—entered into negotiations with key administration figures that produced a compromise.

The agreement—embodied in a presidential letter to Congress—accomplishes three principal aims. First, in declaring that the missiles will be permanently installed as "fixed, defensive, and non-mobile anti-aircraft weapons," it assures that the missiles cannot be used as a highly mobile offensive shield for Jordanian armies in the event of future hostilities. Thus, as during the October 1973 war, King Hussein will have little incentive to open a third front. Second, by explicitly forbidding placement of the Hawk weapons under a binational or multinational command structure, it lessens the possibility that the Improved Hawk—which will become the backbone of the US and NATO air defense system—will be acquired by Soviet personnel in Syria for inspection. Finally the President's signature on the letter assures review of the American arms sales program to Jordan in case of violation and puts Jordan on notice that it must adhere to the terms of the letter if it wishes to maintain its close ties with the US.

Dangers do remain. Critics of the sale point out that the Hawk cannot be completely immobilized and that the President cannot totally assure Jordanian compliance with the agreement. Moreover the eventual sale of 14 batteries far exceeds Jordan's possible defensive need for the Hawks and may tempt Hussein to acquire the capability to fully mobilize them at some future time. The compromise, nevertheless, proves the value of the Nelson-Bingham amendment adopted last year to give Congress veto power over any transaction in excess of $25 million. It puts the administration on notice that Congress intends to play a role in foreign military sales policy, and it offers hope that the profligate trade in arms will come under increasing scrutiny.

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Liberal Flight

Fooling with Busing

For the past several years, Congress has annually played a political charade over busing. Stated precisely, the issue is whether the Constitution as interpreted by the US Supreme Court since *Brown* v. *Board of Education* 21 years ago should be rewritten.

The usual procedure has called for the House in reflexive fashion to pass amendments to appropriations or education bills designed to restrict the powers of the courts or the Department of Health, Education and Welfare to require busing in school desegregation plans. In turn the Senate waters down the House action, adopting language nullifying the effect of the anti-busing amendments by stating they cannot stand in the way of guaranteeing the constitutional rights of black children to a desegregated education.

This fall, however, the game has changed. A liberal backlash on busing has found its way to the Senate floor and the result is a number of anti-busing measures. The civil rights bloc has had some notable defections, all Democrats, some of them feeling heat from back home on the busing question.

Systemwide desegregation in Boston and Louisville, taking place now under federal court orders, has also had a significant impact on Capitol Hill, where most senators and representatives will acknowledge that after high gas and fuel prices, busing is the heaviest issue of the letter writers. As Southerners have long contended, the school desegregation issue becomes a national, rather than a regional concern, when it strikes the liberal North. And Boston is the signal that, if the current course of federal court decisions continues, many more Northern and Western school systems, which are now as rigidly segregated as the South was before *Brown*, will face federal court desegregation orders in the next few years.

Louisville is a threshold of another kind: A border state school system, segregated by law before 1954, which became an exemplar of voluntary desegregation in the late 1950s, then became resegregated in the '60s and '70s, and is now forced to desegregate again, but this time on a metropolitan wide basis. Despite the Supreme Court decision of July, 1974 barring desegregation between Detroit and its suburbs, the threat of desegregation between black cities and white suburbs still looms as court decisions in Louisville, Indianapolis and Wilmington exploit the narrow legal path left open for metropolitan school desegregation by the Detroit decision.

Another pressure on the Democratic majority in Congress and on its presidential aspirants is President Ford's recent maneuverings on the busing issue. As a candidate, the President seems anxious to remind everyone that he is an anti-buser from way back, even though as chief executive he now must uphold the law by sending federal marshals and prosecutors into Boston and Louisville. In a recent Dallas speech, Ford enraptured an audience of Republican women by pledging to do something about the threat of busing to "quality education"—a bandied about term these days that is meant to be an opposite for "integrated education." At a news conference Ford accused "some of the courts" of failure to follow the so-called Esch amendment, passed by Congress last year, which requires federal courts to consider other methods for desegregating schools before resorting to busing. An embarrassed White House and Justice Department had to admit later that they could not cite any cases where courts had ignored the Esch amendment, including Boston and Louisville, where federal judges have specifically taken its provisions into account and concluded that busing was needed to insure the Constitutional rights of black children. In an intriguing exercise in "newspeak," a White House spokesman said Ford was speaking of "future" busing cases, although the tenses he used at his news conference clearly referred to past and present cases.

With the background of Boston and Louisville, the heavy constituent mail, and the Ford comments, the busing issue came up in the Senate during consideration of a $36 billion appropriations bill for the Department of Labor (and HEW, whose office of civil rights is funded under its provisions). The civil rights office has been generally out of the busing business since President Nixon a half dozen years ago instructed Attorney General Mitchell and HEW Secretary Finch to announce that HEW would no longer use its power under Title VI of the Civil Rights Act to force school desegregation, but would leave that politically unpalatable task to the federal courts. In the last couple of years, however, HEW has been forced to order some school desegregation under compulsion of successful suits brought by the NAACP. But, in any event, every participant in the great Senate busing debate knew that restricting HEW from ordering busing would have little more than symbolic effect since most of the recent busing orders have come from the federal courts.

The Senate's youngest member, Sen. Joe Biden, 32, of Delaware who has a strong liberal voting record, offered the first anti-busing amendment, or at least thought it was an anti-busing amendment. Biden insisted he was not motivated by the desegregation case in Wilmington, which is headed for the Supreme Court and is well beyond the purview of HEW, or by HEW involvement in the tiny DeLaWar school district in his state. The Biden amendment passed 50-43 with a host of liberal Democratic defectors, including: Mike Mansfield of Montana, the majority leader; Thomas Eagleton and Stuart Symington of Missouri, both feeling the heat of possible desegregation of Kansas City and St. Louis school systems; Henry Jackson, who is running for President, and his colleague from

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Washington, Warren Magnuson, both no doubt aware that Seattle is losing some federal education funds because its school faculties are considered segregated; plus Senators Quentin Burdick of North Dakota, Floyd Haskell of Colorado, Lee Metcalf of Montana, Gaylord Nelson of Wisconsin and Jennings Randolph of West Virginia.

Within a day HEW issued a memorandum noting that the Biden amendment, which forbade withholding of federal funds from a school district refusing to "assign students or teachers by race," but did not specifically mention busing, had consequences far beyond busing. Its language would permit a school district, HEW said, to operate a racially segregated school system with assignment of students by race to schools, but would prevent HEW from ending such discrimination even through means other than busing, like changes in school attendance zones.

Following the classic pattern of past years, Sen. Hugh Scott of Pennsylvania, the Republican leader, and Sen. Hubert Humphrey of Minnesota introduced an amendment saying the Constitution and the Civil Rights Act must be followed, regardless of what Biden's amendment said. But, Robert Byrd of West Virginia, the assistant Democratic floor leader, who entertains presidential aspirations and has always voted for anti-busing measures, countered with a "perfecting amendment" that wiped out Scott-Humphrey's language about Constitutional rights and narrowed Biden to a prohibition of busing.

Adding to the symbolism of the busing fight, the Senate's only black, Edward Brooke of Massachusetts, a Republican, was left virtually alone on the floor to combat the Byrd-Biden amendments. Floor managers of the past, like Senators Javits, Kennedy and Mondale, contributed their votes to Brooke's cause, but stayed away for most of the battle. Introducing an amendment of his own, Brooke tried to insert again in the bill the pro-Constitution language of Scott-Humphrey, which Byrd had neatly excised. But Byrd, whose parliamentary expertise is unquestioned, outmaneuvered Brooke on a techincal point. Before a cloture vote, the Brooke amendment was received, but not "read," and was thus disqualified. Brooke tried to get the Senate to overturn the procedural ruling so his amendment could be considered, but was voted down 50-39. The Byrd amendment then passed 51-45, with some liberals like Burdick, Metcalf and Nelson returning to the civil rights bloc and voting against it.

At that point a dejected Brooke admitted "We have absolutely nothing left," and accepted what became known as "Biden II." Acknowledging that his original amendment went further than he anticipated, Biden proposed a clarifying amendment that negated the far-reaching effects of his first amendment, approved by the Senate, and like the Byrd amendment narrowed the issue to busing. The civil rights bloc and its defectors voted for "Biden II" as the lesser of evils, while the Southerners voted against it, wanting the tougher restrictions on HEW. Despite the pressure of Boston, Sen. Kennedy remained a purist and refused to vote for the second Biden amendment, saying he would not approve what he considered an unconstitutional anti-busing measure, however watered down.

After the fog of rhetoric cleared, what was left was essentially the Byrd amendment prohibiting HEW from ordering busing beyond a neighborhood school, a tightening of the restriction voted by Congress last year limiting busing to the "next closest school" to the neighborhood school. The Byrd amendment is likely to be accepted quickly by House conferees on the bill. President Ford will then have to decide whether to accept a bill with anti-busing language, or reject it because the measure is millions above his budget recommendation.

For the civil rights bloc it was a further erosion of its steadily disintegrating beachhead on school desegregation. For the mothers marching against busing in Boston and Louisville, the Senate action was of little practical value. Congress is eager to take essentially meaningless, politically symbolic actions against busing and school desegregation, but is still unwilling to take the giant step of defying the courts (that would require) passage of a Constitutional amendment against busing, not a rider on an appropriations bill.

John Mathews

Mr. Mathews, a reporter for *The Washington Star,* has covered school desegregation this fall in Boston and the busing debate on Capitol Hill.

The Goldfarb Case

Lawyers' Fees

Lew and Ruth Goldfarb are unusually persistent people. Having arranged to purchase a new home in Reston, Virginia, Goldfarb—then a young Federal Trade Commission counsel—and his wife contacted a lawyer to arrange for the title examination required by Virginia law. The lawyer informed the Goldfarbs that he would be delighted to do the title search—a routine job that in some states need not even be performed by a lawyer—but, he said, he could not charge them less than the minimum fee prescribed by the local bar association: one percent of the price of the house, or $522.50.

Reasoning that there must be some practitioners willing to cut their price in order to get the work, Goldfarb wrote to some other lawyers in Fairfax County, 36 to be exact. Exhibiting a unanimity not normally associated with lawyers, every one of the 19

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who responded stipulated the identical, bar-prescribed fee for the work: several stated that no attorney in the county would violate the minimum fee schedule. With the settlement date for his house rapidly approaching, Goldfarb decided to retain the lawyer whom he had originally contacted—at the bar-enforced minimum fee.

The Goldfarbs gave in but they did not give up. After paying the one percent fee, they filed a class action suit in federal court, charging that the Virginia state bar—to which all practicing Virginia lawyers must by law belong—and several county bar associations had violated federal antitrust laws by maintaining a minimum fee schedule binding on all lawyers in the county. He sought to recover damages for himself and all other home buyers in Reston who had been similarly overcharged.

For the first time in history, the organized legal profession had been taken to court for engaging in a "conspiracy in restraint of trade." But if the *dramatis personae* of the case were novel, the legal theory was not. It has long been a settled principle of antitrust law that an agreement among competitors not to charge below a specified price is a "per se" violation of the Sherman Act—that is, it is illegal without regard to the reasonableness or the intent of the agreement.

Had the minimum fee schedule been established among plumbers or real estate brokers, the case would hardly have attracted notice or interest. The Virginia bar associations, however, insisted that lawyers are different. Lawyers, they argued, are members of a "learned profession," and the antitrust laws, so the argument went, were never intended to apply to learned professions. According to this theory, lawyers practice their profession not to make money but to provide service to the public; competition between lawyers, particularly on the basis of price, would reduce lawyers to the status of shopkeepers or used car dealers.

The argument seemed self-serving and farfetched. It is true that the legal profession claims a historical commitment to public service and civic duty, but it is also true that the watchfires of that noble tradition have been tended by a relatively small band of conscientious practitioners. In all times and in all places, most lawyers have aspired to serve moneyed clients and powerful interests.

It was also urged by the bar associations that minimum fee schedules were necessary in order to give young lawyers some idea of what to charge for their services and to give consumers some notion of what a particular legal transaction might cost. But if young lawyers were uncertain what to charge for a title search, could they not price their services like other entrepreneurs—on the basis of their cost of service plus a reasonable profit? If consumers were ignorant about the price of legal services, could the bar not encourage lawyers to inform the public about their fees?

The organized bar's adherence to minimum fee schedules seemed particularly unfair for another reason. Lawyers *already* have a monopoly on the rendering of legal services, a monopoly granted by statute in the form of numerous controls over every aspect of the practice of law. Thus the state permits lawyers to decide, among other things: what law schools are to be accredited and on what basis; who may be admitted to and excluded from practice and for what reasons; what professional conduct by lawyers is to be considered ethical or unethical; which lawyers may be disciplined; and what activities constitute "the practice of law" and thus may be only by lawyers. To permit lawyers to use their already privileged position in order to fix prices, then, would be doubly unjust and exploitative.

Some state bars had never established minimum fee schedules, some had abandoned them, and the minimal others had been rendered irrelevant by inflation. Nevertheless, in jurisdictions such as Virginia, the minimum fee schedules did play an important economic role in limiting competition among lawyers for certain common transactions such as real estate settlements, incorporations, divorces, contracts and the like. The Justice Department's antitrust division had intimated on several occasions that lawyers' minimum fee schedules were illegal, but had never taken formal action against them. The department was content to let the burden of enforcing the antitrust laws against the legal profession rest on individual citizens like the Goldfarbs, just as it had let far less fortunate black citizens bear the main brunt of enforcing the civil rights laws against powerful institutions during the 1950s and '60s.

In 1973 the Goldfarbs won the first round of their legal battle, obtaining a district court judgment that minimum fee schedules violated the Sherman Act, and that the question of damages for the class of consumers represented by the Goldfarbs must be determined. At this point, members of the Fairfax County Bar Association, one of the defendants in the case, urged that their association revoke the fee schedule and settle the case. Their pleas for discretion, however, were ignored. As one Fairfax lawyer recalled, "Even their lawyers advised the Bar not to appeal, to cut their losses. But the leaders of the Bar did exactly what they are always criticizing clients for doing—they ignored their lawyers' advice."

In mid-1974 the Court of Appeals reversed the lower court decision by a two to one vote. Distinguishing a 1943 Supreme Court decision upholding trust-buster Thurman Arnold's prosecution of the American Medical Association for conspiring to suppress competition by the Group Health Association, and pausing to observe that no profession "is above the law," the court held in essence that lawyers were indeed different, and that as members of a "learned profession," they were

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exempt from the antitrust laws when conspiring to fix legal fees. Judge Craven, in a stinging dissent, wrote that he was "unable to perceive any reason why lawyers should be free to fix prices when carpenters cannot. . . . Although the practice of law is a learned profession, it is pursued for the purpose (among others) of earning a living. To that extent I think it falls within the strictures of the Sherman Act." The Goldfarbs petitioned the Supreme Court to review the case.

Meanwhile the Goldfarb case had finally galvanized the Justice Department into action, and it had brought a similar suit against the minimum fee schedule prescribed by the Oregon State Bar. Shortly after the Supreme Court agreed to hear the Goldfarbs' appeal, the federal court in Oregon struck down that state's fee schedule, making only a passing reference to the contrary decision of the court of appeals against the Goldfarbs.

Even in Virginia, the thaw had begun in earnest. After the Goldfarbs won their initial decision in 1973, a few Fairfax County lawyers had begun to breach the minimum fee schedule, cutting prices on real estate settlement work in order to attract business. By mid-1975, prevailing prices for this service had declined to about half their pre-lawsuit levels. As one lawyer put it, "Title searches are still conducted in much the same way that they were conducted before the American Revolution. The advent of price competition will mean that we will simply have to become more efficient in the way we do things."

The Supreme Court delivered the expected coup de grace in June of this year. Chief Justice Burger, joined by all of his colleagues but Justice Powell (who had recused himself because his former law firm was representing the Fairfax Bar Association), held that the legal profession was not exempt from the antitrust laws. In classic understatement, Burger noted that the practice of law had a "business aspect" and "plays an important part in commercial intercourse."

The Court's opinion, however, was very narrowly drawn. Indeed, one of its concluding sentences stressed that the power of the states to regulate the professions, and particularly the legal profession, remains unimpaired, and that "forms of competition usual in the business world may be demoralizing to the ethical standards of a profession." One can almost sense in these cautious words the Court's apprehension of the more controversial cases that will soon follow, principally those involving challenges to professional restrictions on advertising and solicitation. But for the present, the Goldfarbs have their victory and the lawyers have the rule of law, painful as that may be for some.

Peter H. Schuck

Mr. Schuck, an attorney, is director of Consumers Union's Washington office and the author of *The Judiciary Committees.*

White House Watch

Ford and Deregulation

President Ford pleased the dozen or so White House assistants and other officials who are working to put some substance in his regulatory reform program by laying off the subject for awhile. Apart from passing references in a few interviews and minor speeches, he last plugged the theme on August 25, when he told a convention of hardware manufacturers in Chicago that his objective is to "take the shackles off American businessmen" and "get the federal government as far out of your business, out of your lives, out of your pocketbooks and out of your hair as I possibly can." This sort of rhetoric horrifies the people who are doing the serious work of deregulation because it overstates the possibilities, distorts the objectives, obscures the fact that there's hardly an American business person who doesn't cherish some of the shackles, and makes Mr. Ford out to be more naive and more indifferent to the general welfare than officials who discuss the program with him find and believe him to be.

There is plenty of skepticism. Ralph Nader has said the Ford deregulation line is a fraud. I have written that the Ford rhetoric could conceal the biggest fraud and deception in the whole Ford posture. Yet the most interesting aspect of the deregulation debate turns out upon examination to be the breadth of agreement that American society and particularly the business and industrial elements in it are over-regulated. Nader and Mr. Ford are together in their premise that federal regulation originally intended to suppress monopoly and promote competition actually suppresses competition and protects installed interests and entities. Peter H. Schuck, director of the Washington office of Consumers Union, sets forth in the September *Harper's* the same indictments of the regulatory system and the same arguments for relaxing its grip upon central elements of our economy and society that one hears at the Ford White House. After considerable inquiry there and in affected agencies and departments, the doubt remaining with me is whether the President adequately comprehends the extent of the challenge that he is posing or pretending to pose to powerful interests, notably labor and corporate interests, and whether, if he does comprehend it, he really intends to sustain and press the challenge. The sum of the available evidence, always keeping in mind Mr. Ford's fundamental and avowed conservative bias, is that he comprehends the nature and gravity of the challenge and intends to sustain it. Roderick Hills, a White House lawyer who has been coordinating the reform effort, accompanied the President on his latest trip to the West Coast. During conversational interludes aboard Air Force One, Hills discussed with Mr. Ford pending proposals to relax rate controls and open up competition in the

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airline and trucking industries, and the opposition that would surely be encountered from managements, unions, congressmen and federal regulatory agencies. Hills told White House associates that the President took it all in and said, *go ahead.* Paul MacAvoy, a member of the President's Council of Economic Advisers and a free-market economist who understands that markets can't be entirely free in modern societies, has spent many hours talking over the problems of regulation and the powerful resistance to meaningful change with the President and is convinced that Mr. Ford understands what he's getting into. After representing a conservative Michigan constituency in Congress for 25 years, MacAvoy sensibly asks, how could the President not understand?

The deregulatory measures proposed and the few deregulatory actions taken since the President got on this kick a year ago must convince any reasonable observer that it's not all rhetoric and pretense. The proposals of the White House and inter-agency committee variously called a task force and a review group have aroused bitter controversy behind the generally smooth façade of the Ford administration. Two Ford appointees, Attorney General Edward Levi and Chairman John Robson of the Civil Aeronautics Board, argued for weeks over whether the Department of Justice should take from the CAB its authority to sanction airline agreements and mergers that otherwise would be subject to antitrust prosecution. Upon the advice of MacAvoy, Hills and another Ford appointee, Secretary of Transportation William T. Coleman, Jr., the President sided with Robson. The result is that airline legislation to be announced at the White House and sent to Congress will retain the CAB's primary authority but give Justice enhanced rights of review and intervention in CAB decisions. Other provisions, mostly opposed by the industry and viewed rather warily by the CAB, would if adopted by Congress give interstate airlines a delayed and restricted but nonetheless revolutionary right to revise their fares up or down within prescribed limits without CAB permission, gradually open interstate air routes to the competition of new entrants, and generally introduce a degree of price and service competition that the CAB now forbids and the certificated lines fear. Robson is regarded at the White House as one of the few cooperative and friendly chairmen of regulatory agencies. He has instituted a CAB study aimed at experimental approaches to freer entry and more freedom than the industry now has to vary rates and services without CAB approval. At his instance, however, the five-member board unanimously refused to participate in framing the White House proposals, or to comment upon them, and said it will withhold its view for Congress. Another friendly chairman and a vociferous advocate of extensive deregulation is Lewis Engman of the Federal Trade Commission, a Nixon appointee who has justified this writer's assertion at the time of his nomination that a member of the Nixon White House staff wasn't necessarily being sent to the FTC to sabotage its regulatory work. A revealing index to the difficulties of actually reducing regulation and to the need in a complex society for a lot of it is provided by current FTC statistics. With all of Engman's calling for deregulation and weighing of the demonstrable benefits against the costs of regulation, his commission issued 226 complaints and 147 orders in fiscal 1973; 227 complaints and 202 orders in fiscal 1975.

The model for deregulation of transportation, a field selected for initial effort because its problems are known and the restriction of competition in it is beyond dispute, is the Railroad Revitalization Act that the President submitted to Congress last May 19. Its opponents include large segments of the protected and widely bankrupt railroad industry and that industry's protective regulator, the Interstate Commerce Commission. The ICC is regarded at the White House as the second worst of the 10 federal regulatory agencies in terms of both competence and philosophy. The worst agency is considered to be the Federal Maritime Commission, whose area of control is being approached very slowly and carefully by the White House deregulators because of the power of the marine unions. In the aspects of chief interest here, the rail act would greatly restrict the ICC's power to disapprove freight rate reductions; give the railroads authority to raise or lower rates without ICC approval within limits varying from seven to 15 percent over three years; and remove many of the exemptions from the antitrust prosecution that protect the industry's cooperative rate-setting "bureaus." Despite massive opposition, the administration approach has had surprising support in Congress—with one exception. The proposal to guarantee railway loans up to two billion dollars has run into demands that the amount be doubled or even quadrupled, to levels that the President would probably veto even if he got approval of his regulatory reforms.

The administration's third transportation proposal, for the interstate trucking industry, follows the principles of the rail legislation. Interstate trucking is one of the most closely protected industries. White House deregulators are convinced, for instance, that the ICC keeps rail rates artificially high and is slow and reluctant to approve innovations in rail freight methods and equipment in order to discourage effective rail competition with the truckers. New entry into interstate trucking is restricted almost to the point of prohibition. There are complex route rules, certificates specifying what goods licensed lines can and cannot carry between what points, and such prohibitions as the one forbidding "private carriers"—that is, producers and processors who deliver their own products to distant markets—to haul anything for revenue on the return trips. The proposed legislation would open up new entry to some extent, give carriers

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limited freedom to vary their rates, and permit private carriers to haul goods related to their products—chicken soup, for instance, derived from delivered chickens, or canned orange juice derived from delivered oranges—back to their home depots. It's a fairly modest package, it's been months in preparation and is months behind schedule for submission to Congress. But it raised unshirted hell when, at the President's order, its major elements were described to President Frank Fitzsimmons of the Teamsters' union and five companions who were invited to a White House meeting on September 30. The federal conferees—among them Vice President Rockefeller, Hills, MacAvoy, and Calvin Collier and Stanley Morris of the Office of Management and Budget—were cursed, shouted at, waved at. "It was hairy," one of the federal participants said. Only Fitzsimmons and the union's Washington lobbyist, Don Rogers, kept their cool. The union hasn't formally opposed the proposal, but the show of fervent love for the status quo was ominous.

The Ford deregulators have also run into trouble with Secretary of Agriculture Earl Butz. Two of the White House target areas are the department's system of meat and poultry inspection and its marketing orders systems. Two federal laws, one for meat and one for poultry, require individual, specific, on-spot inspection of every cow, pig, chicken, rabbit, etc. that is slaughtered and processed for interstate shipment. Federal grant restrictions encourage, practically require, the states to operate similarly detailed inspection systems. Some 9000 inspectors are employed in the federal system. Mr. Ford's deregulators propose to substitute random checking, with high quality standards and severe penalties for violations. Butz is doubtful but has instituted a departmental study of the proposal. Where he balks is at a proposal to modify or abolish the department's sytem of milk marketing orders, also mandated by law. When a group of producers in a local area, a state or a region demand it, the department must initiate a complicated sequence of proposals, hearings and referenda that eventually lead to minimum prices that milk wholesalers or other handlers must pay milk producers. Butz has told the deregulators, who regard this as a prime example of arbitrary price fixing, that they will touch his milk marketing orders only over his body. MacAvoy has told Butz that the deregulations are ready to march right over his body, if necessary. They will be marching without Roderick Hills, the chief deregulator, who is leaving the White House staff to become chairman of one of the busiest and toughest regulatory agencies, the Securities and Exchange Commission. MacAvoy, who is Hills' logical successor at the head of the review group, prefers that the assignment go to a Ford assistant, a lawyer like Hills, who is not identified with such White House factions as the Domestic Council or MacAvoy's own Council of Economic Advisers.

John Osborne

Can Arnold Miller Run the Mine Workers?

Arnold Miller was elected president of the United Mine Workers of America two and a half years ago on a promise to rid the union of corruption. His support came from a band of rank-and-file members with no ties to the then president, W.A. (Tony) Boyle. The campaign was more than a reform; it was a revolution. The object was to depose a king. Boyle, the king, had exposed the depth of his corruption by having gunmen murder an earlier opponent, Joseph Yablonski. Miller's victory spelled the end of a corrupt man and of an autocratic system.

According to Joseph Rauh, a Washington, DC labor lawyer who helped in the fight against Boyle, the Miller campaign was "unique . . . It's the first time in history," Rauh said, "that the rank-and-file has taken over a big union." In the past, upsets in the steelworkers', the autoworkers' and government employees' unions have involved the displacement of one powerful group by another, the bumping aside of one politician by another. But the men who led the Miners for Democracy were different. They were uneducated and inexperienced. They had never held important office before. They had no program but their promise to be honest and responsive to the members' wishes. When Arnold Miller and his staff moved into headquarters, the skeptics watched to see if this principled man could survive. There were some old Boyle holdouts in the union who wanted Miller to fall on his face, and they tried to arrange things so that he would.

The Miller administration cheated the skeptics. It successfully removed most, but not all, of the Boyle men from headquarters. Then for reasons of morale rather than necessity, it poured money into a difficult strike in Harlan County, Kentucky, an area where the UMWA had once been powerful but recently had been losing ground. The struggle to enlist the men of the Harlan County mines lasted 18 months and cost the union $1.4 million. But the union won. Miller also rewrote the UMWA constitution and presided over the first open convention. Then last year Miller led the contract negotiations with the national coal operators association and wrote a good contract. For the first time in the union's history, a contract was sent to the rank-and-file for approval before being signed. Miller endured these tests. But now he faces new challenges that could be more difficult than any of the others because they are primarily internal and administrative.

For a variety of reasons some key members of the staff that helped Miller in his campaign and stayed on during the first years of his administration have left. The first were attorneys Clarice Feldman and Lew Sargentich; they left the legal staff in the summer of '74. A few weeks ago Chief Counsel Joseph (Chip)

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Yablonski, the son of the murdered leader, announced that he was leaving to start his own law firm. Dan Edelman, another attorney, said he would join Yablonski. Almost at the same time, Don Stillman, editor of the Mine workers *Journal* and Miller's former press secretary, said he was taking a job as chief of publications for the United Auto Workers. Ed James, another aide, decided to leave for Harvard law school.

Many other talented people did not go. But the effect of the exodus was felt. It broke apart the team that came together after the Yablonski murder and was put in working order by Chip Yablonski and Rauh. The breakup is important not just because it will change things at the UMWA, but also because it could have been avoided. Although none of those who are leaving today joined with the intention of staying forever, they might have lasted longer had they gotten more encouragement. One of Miller's advisers, Bernie Aronson, said recently that internal politics had little to do with the staff split-up. Aronson argued that all unions have problems, but few talk as openly about them as the mine workers. Staff turnover is inevitable, he said, and too much attention has been given to the recent changes. It is clear, however, that some staff members feel they were often left out on a limb by their leader, Arnold Miller. He didn't support them when things went wrong, the argument goes. He didn't back them in confrontations with the elected members of the executive board. And finally, when he learned that some of them were ready to quit, he rejected advice that he appeal to them personally to stay. Apparently he thought that would be improper.

It is not hard to understand why Miller seemed to feel it necessary to keep some distance between himself and the staff. In the campaign against Boyle, he'd been accused of getting "money from Moscow," of hiring radicals, taking orders from the "Jewish-Communist conspiracy." He was called a puppet. Miller's campaign staff was young, liberal and well-educated. They were political activists, not coal miners. They worked as a team with Miller and his fellow candidates during the campaign, but after the election, tensions began to show. Name-calling began. The old-timers on the executive board became obstructionist. In one egregious case of self promotion, the new vice president, a Miller man, began to find imagined plots among the staff and advertise his suspicions to voters back home. This is Mike Trbovich, who nearly beat Miller at the convention in 1972, but lost and took the number-two job. This year Trbovich charged that the Miller administration, to which he belongs, had been wasting miners' dues on foolish projects. The treasurer, Harry Patrick, a miner himself and an early member of the Miners for Democracy, felt obliged to write an eight-page memo rebutting the Trbovich allegations. Patrick says the charges were unsubstantiated; Trbovich could not point to any specific item in the budget that he thought was a waste of money. But the bad publicity was no help. In this case, as in other skirmishes with the executive board, Harry Patrick found himself leading the defense against attacks on the staff.

As these problems were reaching the press, Miller encountered a new challenge in the coalfields of West Virginia. It was a separate matter, but it became part of the same story in the papers: Miller's loss of authority. The trouble began in Lundale, West Virginia in August when a group of miners decided a local company had violated its new contract and walked off the job. The wildcat strike escalated rapidly when the company got a court injunction forcing miners to cross picket lines and go back to work. In UMWA country one doesn't cross picket lines, whatever the cause. The local union leaders were thrown in jail, and then the fight exploded. Soon more than 60,000 miners had walked out of Appalachian bituminous coal mines, and the companies were suing Arnold Miller for damages.

Miller went to West Virginia in mid-August to stall the rebellion. He failed. It isn't really clear why. Miller made the trip to explain that the union could not support the troublemakers' demand for a new contract because it would be illegal. Explaining this to the miners, however, required tact, patience and that special skill of a good politician—the ability to convert a rabble into a "constituency." Miller met with 700 West Virginia miners in a recreation center on August 10 to listen to their complaints. The press was not allowed in. According to a local paper, "one report said some of the miners walked out of the hall in disgust with Miller. Another report was that the meeting was satisfactory." In any event, Miller was not a success. In addition, he failed to keep a promise made at the meeting—to set up an investigative panel within 10 days. Miller had done his best and was absolutely right about the law, but his reputation was hurt.

The strike ended in September, not on the best terms. The union was fined heavily for its failure to keep the contract. The companies, on the other hand, agreed to investigate the charges that they'd failed to respond to the miners' grievances, thus fulfilling the promise Miller made in August. It was too late to be of use in the publicity battle. Meanwhile the union is appealing the fine and preparing a legal attack on the companies' use of injunctions.

As he was preparing to leave his office last week Chip Yablonski discussed some of the recent stories about Miller's inability to control the union. Yablonski said he was leaving the UMWA not because internal politics had become unbearable, but because he wanted to launch his own firm, and the time for moving was right. Other staffers, he suggested, were leaving for similar reasons: "The kind of people we have here are young, ambitious, highly motivated. They want to do other things." He said the UMWA is now in a transition period, a lull between storms. Yablonski added that he thought the importance of the wildcat strikes this

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summer had been exaggerated, that they are commonplace in the coal business. He strongly disagreed with the prevalent view that his own departure will enfeeble the Miller administration. "Anybody who thinks that Arnold Miller is going to be a patsy to be pushed around by the coal companies is just wrong," Yablonski said. But his defensiveness suggests there is some truth to fears expressed by other union insiders. They insist that Miller is not temperamentally fit to deal with the continuing political intrigue that goes on in a big union like the UMWA. If they are right, the Miller administration is about to experience its most difficult test.

Eliot Marshall

Saving New York City from Default

Help Wanted

by Robert Samuelson

The latest rescue of New York City from insolvency by the state was an act of fear and faith. There was fear of the unknown—a default—and faith in a miracle. For, if the rescue is to prove anything more than a costly postponement of the inevitable, New York needs no less. The $2.3 billion provided by the rescue runs out in early December, and if by then the federal government can't be convinced to help, the city almost surely will once again confront default. Indeed, the situation is now so precarious that the state may not even be able to borrow the money it needs to keep the city afloat until December. The rescue itself may flounder. But even if it doesn't, the state and city are marching toward a *cul de sac*. Without federal aid, the only way to avoid default would be to commit billions in state and city pension funds to the city—a risky form of money shuffling—but even this avenue of escape appears to have been closed by a recent court decision restricting the state's freedom to use pension money to help the city.

Even without a default, however, the financial vise in which New York finds itself will continue to close, promising further deep cuts in work rolls, more reductions in city services (likely including police, fire, sanitation and schools), continued tension with municipal unions, and, possibly, the forced amputation of some city functions. Many of the city's 18 municipal hospitals may have to be closed, and the City University may be compelled to abandon both its policies of "open enrollment" (by which any high school graduate is entitled to a place in the university) and no tuition.

Basically the city's problem is simple. Having lived for years on credit—running persistent deficits, disguised by bookkeeping gimmicks, and financed by loans that were repaid by more loans—the city can no longer borrow from its traditional sources. Commercial banks, insurance companies and private individuals refuse to bankroll the rising pyramid of debt; suddenly the city must find new money sources both to roll over past loans (as notes and bonds come due) and to cover the current deficit. To grasp the magnitude of New York's appetite for dollars, consider this fact: even if the city were suddenly relieved by some supernatural and superlegal act, of all its existing debt obligations (including interest), it would still need to find out about $300 million to balance its budget between December and June. Even in this imaginary scenario, the city would face a sizable cash crisis. Back in the real world the problem is much more massive. Between December and June the city needs $3.7 billion or it will default: it will not have enough money to pay maturing debt and its normal operating expenses, such as salaries.

On paper, averting this outcome is possible. Private investors need only regain sufficient confidence that the city has mastered its own finances, but it is hard to envision this happening soon. The gap between the city's revenues and expenses is mammoth. The best estimates of the city's current operating deficit is $726 million for this year (ending June 30), followed by deficits of $742 million in fiscal 1977 and $801 million in fiscal 1978. To restore investor confidence the city has pledged to eliminate the current deficit over three years, and the state has established a seven-man financial control board to see that the city does just that. The budget is to be kept at about $12 billion.

The pledge sounds fine, but no one has yet said how this feat is to be accomplished. Although the assumptions underlying the budget projections haven't been

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made public, they already appear to be fairly austere. For example they seem to allow little or no pay increases for city workers. Some expense increases, however, are virtually mandatory. Pension costs, for example, are estimated to rise nearly $150 million. General inflation is likely to lift other expenses, such as fuel, utility bills, building materials and paper. In these circumstances, officials have roughly estimated that balancing the budget over three years would require spending cuts of the equivalent of 46,000 workers. Privately, estimates range as high as 75,000. Those reductions would come on top of cuts of 25,000 to 35,000 workers so far this year (one symptom of the city's problem is the absence of reliable figures). Six months ago a mandatory pay freeze (enacted during the summer) seemed extreme; now, pay cuts no longer seem impossibe. Meantime, however, the city must borrow—from someone—to cover the deficits during the three-year transition period. Nor is that all. The capital budget (usually financed by borrowing) also includes from $500 to $700 million in expenses that would qualify as day-to-day operating costs in most cities. This, too, requires more borrowing.

No one has yet said how much *new* borrowing (as opposed to refunding of past debt) is required over the three years, but, obviously, it is considerable. Some crude calculations indicate that it may be at least two to three billion dollars. Moreover the sheer logistical problems faced in retrenching are enormous. The civil service procedures that must be followed to implement cutbacks inside the bureaucracy—as opposed to line jobs, such as police, fire and sanitation, where the cuts have fallen heaviest—are described as Byzantine and cumbersome. In the past five years, just as the city's economic base was beginning to decline, the city also continued building up its superstructure of services in ways that now make reductions even more difficult. In 1969 the city embraced "open enrollment," resulting in a large expansion in the city university's size and budget. Since the 1969-70 academic year, enrollment has climbed from about 175,000 to an estimated 279,000 this year; the budget has grown from $241 million to nearly $600 million, with the city picking up about half the costs. During the same time, construction has been completed—or is near completion—on about $500 million worth of hospital and neighborhood health facilities. Both private and public hospitals in the city are now underutilized (the vacancy rate at the city hospitals runs about 25 percent), though any closures would clearly create hardships.

The growing appreciation of these problems—coupled with massive uncertainties about the accuracy of the city's own numbers, the decline of the city's economic base and the unknown size of future pension liabilities—makes it virtually impossible for the city to restore its standing in the private credit markets by December. Many observers think it may take years.

So far the state has improvised a variety of techniques for providing infusions of money to help the city avert default. These rescue operations have become increasingly imaginative, but there are limits to what imagination alone can accomplish. Those limits are now being reached.

Crucial to understanding the state's rescue operation is the Municipal Assistance Corporation (MAC)—a special corporation created by the state legislature in June to avoid a default then. Under the law establishing MAC, a part of the city's revenues (the sales tax and the stock transfer tax) was segregated to provide exclusive backing for interest and principle repayment on three billion dollars worth of MAC bonds. The proceeds from the sale of bonds would be used by the city to repay maturing debt. The protection provided by the sales and stock taxes for the new bonds was generous; the estimated total of these taxes in 1975 was more than double the anticipated annual debt service requirement for the MAC bonds. Even so, they didn't sell. Such was the suspicion of the city—and the legal uncertainties surrounding MAC—that investors bought only about $625 million of the bonds. New York City banks absorbed more than one billion dollars, but the lack of buyers helped create the September crisis.

Even had the initial three billion dollars sold out, however, the MAC approach represented only a temporary solution that couldn't be used indefinitely. The more tax revenues that MAC segregates for generous coverages of its bonds, the more difficult it becomes for the city to reenter the credit markets independently. The backing for the city's securities—revenues—had been sacrified to MAC. Given the city's need not just to refund past debt, but also to obtain new borrowings, MAC was at best a short term expedient that made the long term problem more difficult.

Nor does the state appear to have the financial strength to extricate the city singlehandedly from its swamp of debt. In the September rescue, the state decided to loan the city $750 million. To get that money the state itself must borrow, and although the first $250 million has been raised, the suspicion surrounding everything to do with New York City has reached such proportions that there's increasing doubt that the remaining $500 million can be borrowed. If it can't the rescue will collapse before December. Even if the state can find that money, it can't repeat a similar rescue in December. Already the state's budget for the current year (ending next March) is estimated to be $610 million in deficit. The state has generally adhered to standard borrowing practices: that is, it has issued short-term notes (with maturities of less than a year) to cover only seasonal cash need. . . . In the current climate, the state probably couldn't borrow this money. Obviously the more aid the state extends to the city (without corresponding tax increases or cuts in its own budget), the higher the risks. If it couldn't borrow, the state too would face default. Compounding pressures

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on the state's budget even further is the New York State Housing Finance Agency, an independent authority with $1.2 billion worth of outstanding notes that need to be rolled over. The state may have to pump money into the HFA to help it avoid default, for an HFA default could precipitate a state default by scaring investors from anything with "New York" on it.

What happens if the state or city defaults? The truth is that no one knows. Legal havoc—perhaps more—in the city, for sure. Under the state constitution, bondholders believe they are entitled to a first lien on all city revenues, but it is hard to imagine city workers continuing on their jobs unless they're paid. Even bond attorneys concede that a court is likely to require payment of salaries for essential services, but, as one attorney asks, are the libraries essential? How much capital spending would be halted? If the state defaulted, similar questions would arise. State agencies, primarily the HFA, might default. The HFA has at least $400 million of building underway—projects that probably would have to be suspended. How many companies might be caught in the debris of such defaults? How many workers (private and city) might have to be laid off? What would happen to government services?

But the likelihood of the White House intervening appears to depend less on the particular problems faced by the city and state than the chances that a default would grow into a more widespread and uncontrollable economic and financial spasm. Because the default of a city the size of New York is virtually unprecedented, the prospects of this happening are difficult to assess, but the administration apparently thinks them small. It is true (as Treasury Secretary Simon and Federal Reserve Chairman Burns have said) that the tax-free bond markets have already felt the impact of the city's problems; other cities and states are paying higher interest rates. Administration officials apparently don't believe that the tax-exempt market will close down entirely—which means that cities and states couldn't borrow at all—or if it does, that the shutdown will continue very long. In these circumstances, it is argued, few construction projects (school, sewers, roads) would be affected, because there is a lead time between actual borrowing and the onset of work. Nor, the argument goes, are very many cities so dependent on short-term borrowings that they couldn't satisfy these needs from local banks, which provide much of such short-term money anyway.

Federal officials also appear to have convinced themselves that the sudden reduction in the value of assets—the city, state and state agency notes and bonds—wouldn't trigger the collapse of financial institutions that hold these securities. In a default the securities would become virtually impossible to sell, and their values would be questionable. Normally commercial banks customarily hold such bonds and notes at book value (the original purchase price), but in a default would be required under federal banking regulations to reduce the value to market prices—whatever they turn out to be. The worst case would involve a default of the city, the state and many of the state agencies. Collectively they have more than $25 billion in outstanding debt. Not all of this is likely to be thrown into default. Nor is it necessary that the defaults occur simultaneously; for example, if the state can meet its borrowing needs through December, its next large borrowing requirements don't occur until March and April. Thus if the city defaults, the state would have some time to try to avert the same fate.

Nevertheless any default is likely to throw the worth of much of the $25 billion in debt into doubt, at least until the political and legal smoke began to clear. To cushion the impact of such problems, the Federal Reserve and other bank regulatory agencies have already indicated that they would do two things: first, banks that had a temporary "liquidity" problem (*i.e.*, not enough cash, because they couldn't freely sell some securities) would be able to receive extraordinary loans from the Fed; and second, the valuation of securities (for determining banks' compliance with minimum federal capital requirements) would be delayed to allow "for the market for such securities to stabilize."

Such steps are designed to prevent New York's collapse from undermining confidence in the banking system, but no one can really accurately predict the psychological reaction—on the stock market, on the bond market, on confidence in general—of an event so unprecedented. The White House's reluctance to dive into the New York mess is, however, understandable. Such assistance not only creates a precedent for other cities, but also raises difficult questions about whether the federal government should support the services that most other cities and localities lack.

The irony is that the federal government's determination not to involve itself could be undone by default itself. Even in the best of circumstances, both the city and state have normal seasonal cash needs that might be difficult to meet without federal help after a default. It is also conceivable that court rulings about creditors' rights could create sufficient uncertainty to undermine the tax-exempt markets generally. Despite all the statements to the contrary, the White House might decide to aid the city at the last moment. The unyielding attitude so far, no doubt, stems not only from its appraisal of the consequences of default, but also from the suspicion that the first hint of federal assistance would relax pressure on the city and state to take the "tough" actions the White House thinks desirable. Although not inevitable, the prospects for default are high. The city's new three-year plan for bringing its budget into balance will indicate just how wrenching additional cutbacks in city services may be; and, if they are wrenching enough, it is just possible that outside investors or the federal government may be willing to help the city dig itself out.

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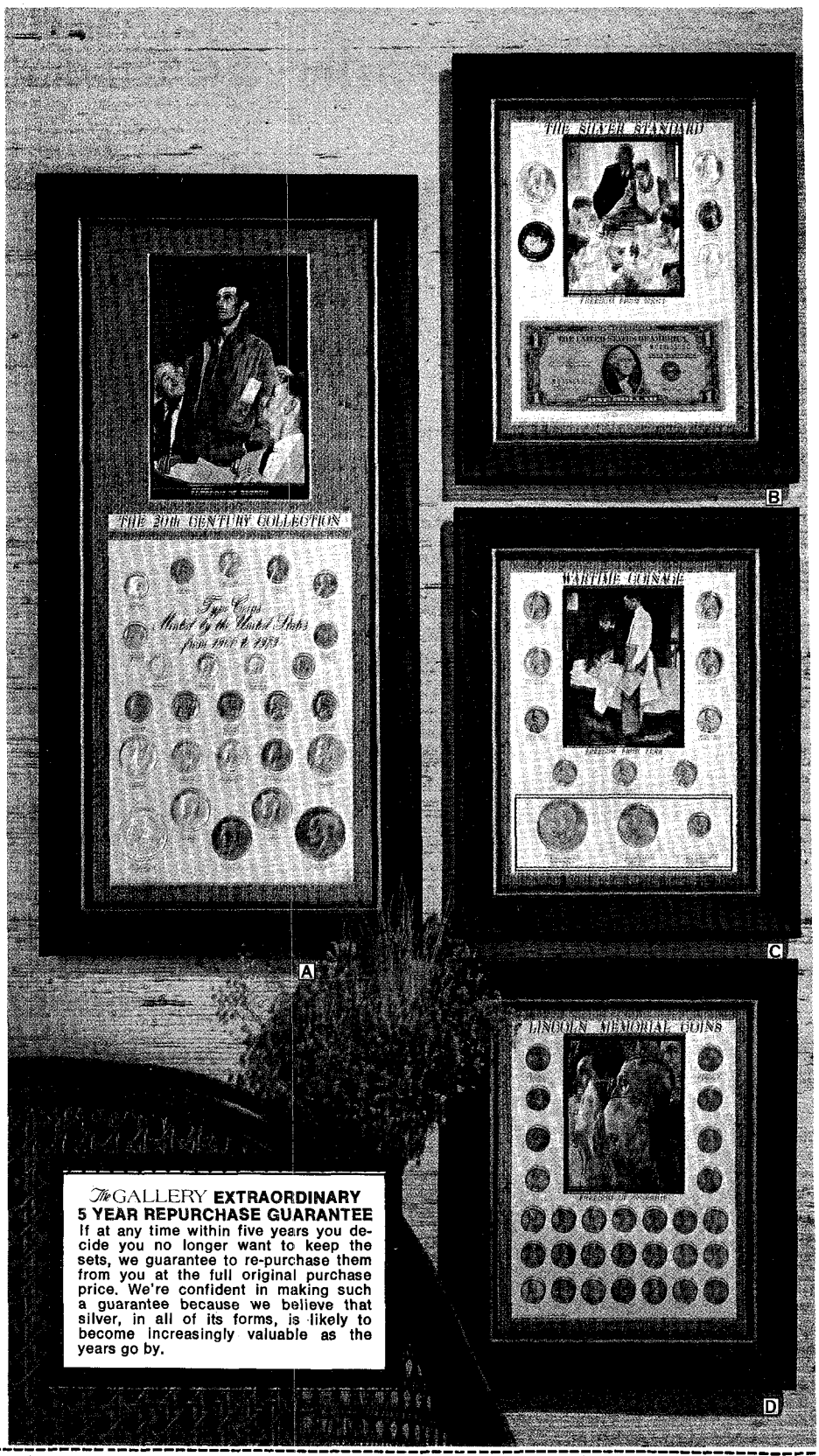

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Explaining the Failures of US Foreign Policy

Three Paradoxes

by Hans J. Morgenthau

A strange and ominous apathy appears to separate the American people from the lively concern with public affairs without which democracy itself loses its vitality and tends to become a ritual devoid of political meaning. As far as the public attitude toward foreign policy is concerned, the reason for this apathy is to be found in three paradoxes that have obscured the nature of our foreign policy and the factors responsible for its failures and defeats: the paradox of ineffective brilliance, the paradox of impotent power, the paradox of destructive idealism.

The foreign policy of the United States has under Mr. Kissinger's stewardship suffered a number of spectacular defeats: Southeast Asia, Greece, Turkey, the German-Brazilian treaty opening the door to nuclear proliferation and for this reason opposed by the United States are cases in point. The prestige of the United States for power, virtue and wisdom has markedly declined among friends and foes alike. The United States carries today less weight in the councils of the nations than it did a decade ago. Yet this general decline and these particular failures have been presided over by, if they have not resulted from the policies of, a Secretary of State who is so amply endowed with a theoretical understanding of foreign policy and the practical ability to conduct it that I still consider him to be the best Secretary of State since Dean Acheson and one of the six or so best we have had throughout our history. How is this contrast between the personal qualities of the Secretary of State and the quality of his policies to be explained?

First of all the Secretary of State is exposed, as are all men, to the contingencies of history. He does not know everything, and he does not control everything he knows. Thus he cannot escape accidents that may play havoc with his best laid plans. More particularly the chickens hatched by his predecessors might choose to come home to roost at a time and under circumstances especially inconvenient. A statesman may be as unlucky as another may be lucky, and he may take credit or have to take the blame by dint of the accident that a certain event occurred while he was guiding the ship of state. However the course the American ship of state has steered not only in recent years but during the whole post-World War II period made it particularly vulnerable to, and actually invited, the kind of accidents that have shaken it in recent years.

Since the outbreak of the Cold War, American foreign policy has assumed the identity of the policies pursued by the government of the Soviet Union and those of the Communist governments and movements throughout the world. Our intervention in the Korean war was based upon that assumption and so were our interventions in Indochina and our policies toward Cuba. Similarly we tended to assume that our interests and those of our allies were identical and to consider national deviations from the course the United States had taken, such as the Gaullist ones, at best as a nuisance regrettably to be tolerated.

It is to the credit of Mr. Kissinger to have made an end to these simplistic identifications, which, if consistently adhered to, precluded foreign policy altogether and allowed only for moral crusades fought preferably with the weapons of rhetoric and subversion but, if need be, also with the full plethora of conventional weapons. Mr. Kissinger has had the courage to deal consistently rather than sporadically, as his predecessors did, with the Soviet Union in a businesslike manner, appearing at times to lean over backward in minimizing its Communist character as a factor in its foreign policy. After a number of false starts, especially with regard to Japan, he has also shown respect for the separate interests of our allies, regardless of his ideological preferences. Mr. Kissinger has also had the courage and ability to begin the normalization of our relations with mainland China while leaving the issue of Taiwan in abeyance. This ideological decontamination of our relations with the two major Communist powers has provided Mr. Kissinger with an admittedly very limited freedom of maneuver, which he used in different phases of the liquidation of the Indochina war on behalf of his policies.

Yet while in the arena of macro-politics, that is, in America's relations with the major Communist powers, the United States has pursued a pragmatic policy that rather underplayed the ideological component of foreign policy, the United States has continued that ideological orientation in its dealings with local Communist governments and movements. The considerations that provided the rationale for our policies in Southeast Asia, for the support of a military dictatorship in Greece, for our participation in the overthrow of

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the Allende government in Chile, have been ideological: to stop communism by whatever means short of nuclear war wherever it threatens to extend its control. How can these two types of policy—ideological tolerance vis-à-vis the Soviet Union and mainland China, ideological combativeness against local communisms—mutually exclusive on the face of them, be reconciled? How can the Secretary of State proclaim détente with the Soviet Union, the fountainhead of Communist ideology and supporter of Communist causes, and fight communism to the death in Chile and Indochina?

These questions are answered by the fundamental principle by which all our major foreign policies since the end of World War II have been inspired: stability. What we wanted to emerge from the Second World War was a stable world order, dominated by two self-contained and cooperating superpowers. The existence of these two superpowers, containing each other, was itself a token of stability, for short of nuclear war or destabilizing actions of one of the superpowers' satellites or allies, nothing could have threatened the stability of relations between the two superpowers for 30 years. Yet that stability could indeed be put in jeopardy, so the argument runs, if a minor nation were to change its ideological allegiance and thereby add to the strength of one or the other of the superpowers. Thus the United States can afford to play down ideological differences in its relations with the major Communist powers, for these differences do not affect the overall world balance of power. But it must take ideological advances and retreats at the confines of the two empires with utmost seriousness; for they will, at least cumulatively, affect the distribution of power in the world. Hence the particular American concern with stability in the outlying political areas.

Yet this concern with stability is up against the fact that typically the kind of instability that threatens the American interest in the status quo is not artificially induced by Communist subversion but results from profound popular dissatisfaction with the social, economic and political status quo. Communism contributes to this dissatisfaction organization, ideology and politically oriented militancy. In other words communism may be the beneficiary and the instrument of instability, but it is generally not the cause. Thus by fighting communism it is possible to deprive instability of its most effective expression, but it is not possible to eliminate it. Since the causes and effects of instability persist, a policy committed to stability and identifying instability with communism is compelled by the logic of its interpretation of reality to suppress in the name of anti-communism all manifestations of popular discontent and stifle the aspirations for reform. Thus in an essentially unstable world, tyranny becomes the last resort of a policy committed to stability as its ultimate standard.

The stability thus achieved is apparent rather than real, for the policy seeking it concerns itself with one particular manifestation of instability rather than with its causes. What it is really concerned with is not instability as such but that instability that threatens the social, economic and political status quo. Thus it must prefer the short-run stability and long-run instability of tyrannical rule to the short-run instability and long-run stability of revolution and radical reform. For it is exactly in order to forestall the transformations that revolution and radical reform might bring today that American policy has consistently taken the side of repression on behalf of an unpopular social, economic and political status quo.

Thus the United States has found itself consistently on the wrong side of the great issues, which in retrospect will appear to have put their stamp upon the present period of history. It is this wrong philosophic orientation on behalf of an unviable status quo that has defeated the brilliance of the Secretary of State. He has put his extraordinary gifts at the service of lost causes. Manifestly destined to succeed, more often than not he has failed. His failures have by and large not been the result of specific weaknesses in the conception and execution of American foreign policy. Rather they have derived from the Secretary of State's overall perception of the world as it exists and his conception of the world to be created by his foreign policy.

The paradox of failing brilliance shares responsibility

The pragmatist

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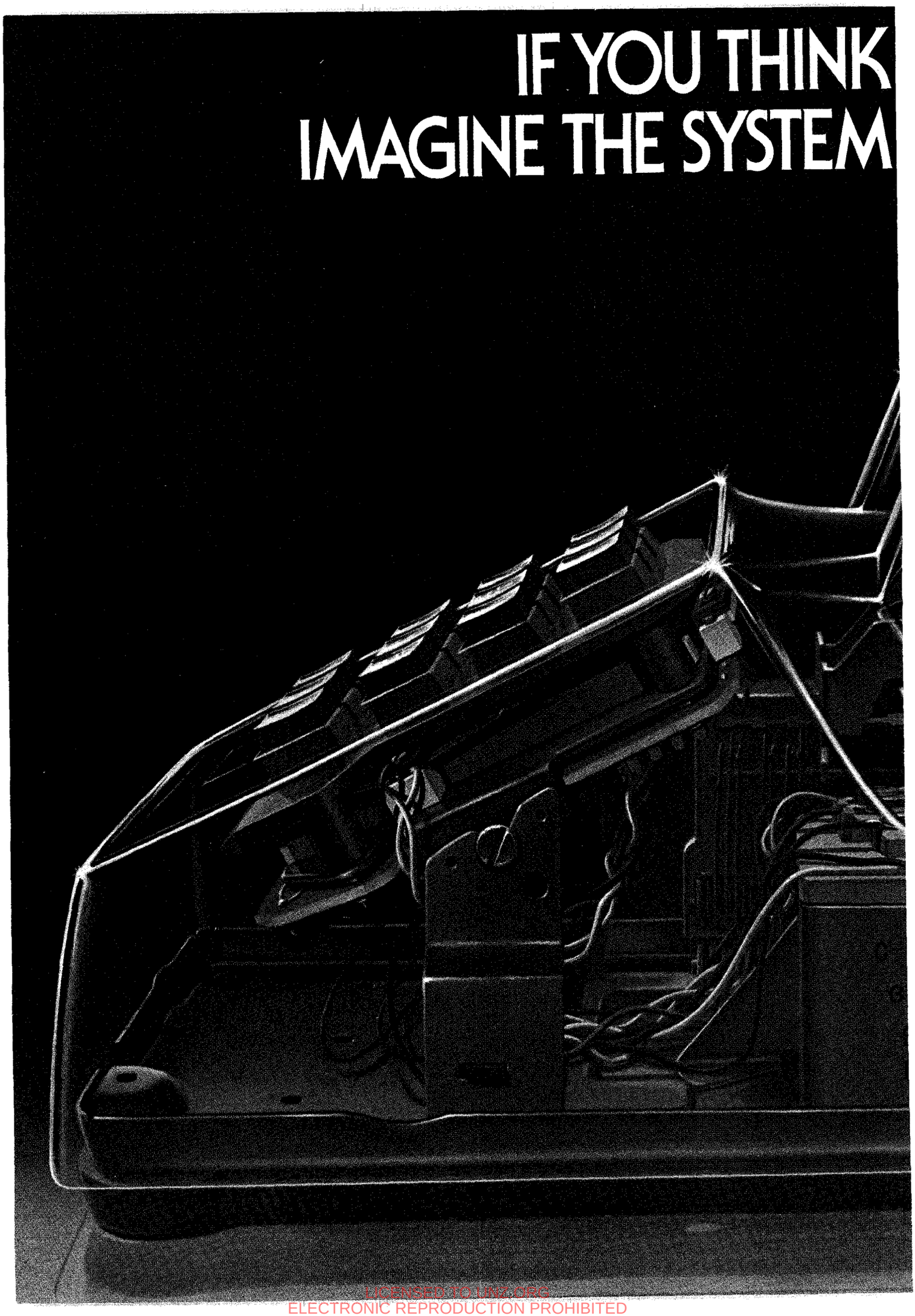

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for the failures of American foreign policy with the paradox of impotent power. The object lesson of that paradox is the Vietnam war. The most powerful nation on earth, although for a decade it brought to bear all conventional weapons known to man, was unable to impose its will upon the truncated part of a small and technologically backward country. That failure raises two questions: why was American conventional power ineffective, and why did the United States not resort to nuclear weapons?

Military power, as all power, is a means to the end of subjecting the will of the opponent to one's own. Military power, as all power, is maintained to teach the opponent the lesson that he is better off yielding to it than continuing his opposition. Both in the mercenary wars of a distant past and the recent national wars of Europe, there was a point at which one or the other or both sides would conclude that it was preferable to desist rather than to continue the war. The heroic example of exceptional individuals or small groups of individuals who will risk death rather than give in confirms the rule. The Vietnam war is one of the few exceptions to that rule. For here a whole people preferred fighting against obviously insuperable odds, risking death, to surrender. They did so because they saw themselves as the fighting vanguard of a national and social revolution that was sweeping the world. One of the few architects of our Vietnam policy who has not jumped off the sinking ship has repeatedly expressed his amazement at the tenacity of the Viet Cong and answered his question as to why they "kept coming" with the explanation that they were encouraged by the domestic American opposition to the war. It is closer to the truth to point to the ultimate commitment to national and social revolution that has inspired other nations of the Third World as well. Against this ultimate commitment conventional weapons are of no avail, for their psychological effect depends upon the effect of the threat of death. Conventional weapons are ineffective in the measure that the threat of death has lost its effectiveness.

Military power is here ineffective because the object, preferring death to the status quo, is inured to its threat. The functional relationship between the magnitude of military power and the compliant behavior of the object is here destroyed by the latter. That relationship can also be destroyed by the wielder of superior military power. Military power in its nuclear form is so immense that it is out of all proportion to any possible target. Because of their magnitude, nuclear weapons are instruments of total destruction rather than politically usable devices for bending the object's mind to the will of the nuclear power. The United States is obviously infinitely more powerful than Turkey because it has nuclear weapons. But since it cannot use them for any political purpose short of total destruction, since, in other words, they cannot be used at all for a political purpose, the power equation must discount them.

Thus the effective power that the United States can put into the scales of its foreign policy is far inferior to the sum total of its power. By failing to distinguish between usable and nonusable power and emphasizing in theory and practice the latter over the former, the United States has maintained its appearance as the most powerful nation on earth, but has weakened the substance of its power in a dual sense. It has poured a disproportionate fraction of its resources into unusable instruments of power and has thereby drastically limited its capacity for waging conventional war. It has limited that capacity even more by never ceasing to search for ways of blurring the distinction between conventional and nuclear weapons, that is, to use nuclear weapons as though they were conventional ones.

Thus if one adds it all up, one must conclude that the United States is not only the most powerful nation on earth but also the most powerful nation ever to exist; for there has never been a nation that had it in its power to destroy life on earth altogether. But on the other hand that very same nation finds itself rather hard put to make effective use of its power when it comes to dealing with North Korea or North Vietnam or one or another of its recalcitrant allies. With its gaze fixed upon its nuclear armory, it has a way of using either too much or too little of that conventional power which is alone susceptible to support the day-to-day movements of our diplomacy.

Yet aside from the uselessness of nuclear weapons as instruments of foreign policy, the military weakness of the most powerful nation on earth has been glaringly revealed in the relations between the United States and the oil-producing nations. On one side there is the United States and its allies presenting an unprecedented accumulation of military power. On the other side, there are congeries of militarily impotent nations, many of which can be called nations only out of semantic courtesy. Yet the former are reduced to reacting helplessly to the policies of the latter. Their military preponderance is of no avail. This is so for three interconnected reasons.

The moral climate permeating the age of decolonization is hostile to attempts at the revival of open colonial relationships, however much of them may have

COMING: What the pipeline is doing to Alaska—
a report from the scene
by Michael Roberts

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survived under the cover of emancipation and national independence. Furthermore this moral climate favors guerrilla wars on behalf of decolonization, making military measures by consumer nations hazardous. Finally given the interconnectedness of interests in contemporary world politics, especially between super- and great powers on the one hand, and former colonies on the other, the military issues in which one or the other of the nuclear powers is involved run a more or less immediate risk of being countered by another of the nuclear powers—and a conventional military confrontation by the nuclear powers cannot be completely insulated from the ability to wage nuclear war and their willingness to do so if the stakes appear to be sufficiently high. Consequently the politically disadvantaged consumer nations have refrained from resorting to what was once considered the *ultima ratio regum:* military force.

Since the United States entered the international arena as a world power, it has felt the urge, in contrast to other nations, to justify its actions in moral terms, transcending the national interest narrowly construed. What is the purpose of our foreign policy? What good do we seek to achieve through it? What kind of international order are we aiming at? It is as though we had some moral qualms about being actively involved in this questionable business of foreign policy, which needs to be cleansed of its moral taint by serving some transcendent ideal. We expect to be redeemed from the evils of power politics by waging the war to end wars, by waging the war to make the world safe for democracy, by wiping totalitarian tyranny from the face of the earth, by creating a new world order in the form of the United Nations, by building a nation in Southeast Asia.

None of the idealistic purposes the United States actively pursued in its foreign policy and for which it went to war in this century were achieved, and the United States could blame the wickedness of the world or of some particular nation or some accidental personal or collective shortcomings for the failure. The sole exception is Vietnam. That failure is all our own. If we could have claimed all the credit had we succeeded, so we must take all the blame for the failure. And the failure could not have been avoided by changes in personnel and strategy and tactics. We failed because our conception of foreign policy as a noble crusade on behalf of some transcendent purpose clashed with the reality of things that not only refused to be transformed by our good intentions but in turn corrupted our purpose. The purpose, far from ennobling our actions, became itself the source of unspeakable evil.

The diverse purposes that have been assigned, simultaneously and successively, to our intervention in Southeast Asia partake of an element of altruism. When one pointed to the lack of American national interest in Southeast Asia one was reminded, frequently with pride, that we were there not for narrow selfish reasons but for the sake of the indigenous peoples: to save them from a fate worse than death and to enable them to build a nation of their own, free from foreign interference. What we achieved was the utter destruction of their freedom, the devastation of their countries, death on an enormous scale inflicted with barbaric means, and the corruption of the survivors, ourselves included. Purpose and achievement were almost grotesquely at odds. We achieved what we wanted to prevent, and the evil we wanted to prevent was like nothing compared with the evil we left behind.

That experience, unique in the history of America, not only demonstrated the defects of our policies in Southeast Asia but also put into question the presumed causal relationship between good intentions and noble purposes, on the one hand, and successful policies, on the other. However that is not the issue actually raised. It is a testimony to the persistence of common error hallowed by tradition that the popular mind, remaining within that tradition, looks for another purpose, perhaps less ambitious, that could give direction to a new American foreign policy. What people really mean when they say we have no foreign policy is that American foreign policy had lost its purpose when it was defeated in Southeast Asia and that without such a purpose there was really nothing to debate.

These three paradoxes are both the result of intellectual errors and the cause of political failures. These failures ought to have stimulated our thinking to correct the intellectual errors from which they stem. The experiences of the 20th century, from World War I to Vietnam, ought to have taught us that a great power has discharged its duty toward itself and mankind when it seeks through its foreign policy to protect its territory and its institutions. This concept of the national interest, realistically defined in view of contemporary threats, implies three concrete purposes: the avoidance of nuclear war concomitant with preparedness for conventional war; at best sympathy for, and at worst indifference to, the radical domestic changes that nations are undergoing throughout the world; the support of supranational institutions and procedures capable of performing the functions that in view of modern technological developments the individual nation states are no longer able to perform.

This concept of the national interest, as applied specifically to the United States, requires drastic changes in the conduct of our domestic affairs. Throughout American history the United States has been looked upon by other nations, and has looked upon itself, as an example for other nations to emulate. The Vietnam war and Watergate have put into question the validity of that claim. Without the restoration of that validity through drastic domestic reforms in thought and action, American foreign policy will continue to stumble under the burden of the three paradoxes that have frustrated it in its past.

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Arts and Lives

Stanley Kauffmann on theater

Ah, Wilderness!

(Circle in the Square)

Eugene O'Neill dreamed this play one night in September 1932. The next day he wrote out the entire scenario and within six weeks the play was finished. Only one other play, *Desire under the Elms*, had come to him in a dream. *Ah, Wilderness!* is a quite different kind of dream, and not just because it is a comedy (O'Neill's only one).

First, to refresh you, it takes place in "a large small-town in Connecticut" on July 4 and 5, 1906. It centers on the family of Nat Miller, a 57-year-old newspaper publisher, and the main action concerns his 17-year-old son Richard who, because of seeming rejection by his girl, goes to a saloon, gets drunk with a prostitute (though he doesn't go to bed with her) and learns a lesson from his experience. The boy is reunited with his girl, swears purity and is set for Yale. Others are other Miller children, Nat's maiden sister and his wife's bibulous brother who has often been rejected by Nat's sister.

Many commentators have pointed out the similarities between this play and *Long Day's Journey into Night:* the location, the family-as-arena, the hoverings of sin over the house, the power of the father, the subtler power of the mother, the young character who is more or less the author's vicar. (O'Neill was Richard's age in 1906 and Edmund Tyrone's age in 1912, the year when *Journey* takes place.) They tell us that *Ah, Wilderness!* is his contrasting bright version of his past, a comic mirror-image of his great tragedy. But the commentators usually omit important points. First *Ah, Wilderness!* was written nine years before *Journey;* so the past that had haunted O'Neill all his life, that terrible past, surfaced from his unconscious for the first time in pleasant and nostalgic vein. Second it came out Protestant. No hint is given that the Millers are Catholic, and there surely would have been such a hint if we were to think so; because, otherwise, given the time and place, we must assume they are not Catholic. The elimination of religious difference with the community is one of the elements that makes the just-folks atmosphere *possible* in this New England of 1906. Third that year is in a different era from 1912. For well-dramatized evidence of that fact, see E.L. Doctorow's novel *Ragtime*. Fourth neither of the parents has the slightest personal anguish of any consequence, as compared with James and Mary Tyrone. Nat Miller's worst problem is that he thinks, mistakenly, that bluefish will poison him. O'Neill, according to Louis Sheaffer's solid biography, gave himself different parents for this play. He patterned Mrs. Miller on the mother of four of his boyhood chums, a Mrs. McGinley, who may herself have been Catholic, to judge by her name; and he based Nat Miller on a New London newspaper editor who had befriended him.

Two conclusions emerge, personal and artistic. Personal: the play is an exercise in wish fulfillment. O'Neill himself said that the play is what he "would have *liked* my boyhood to have been." Later, in the dedication to *Journey* he said that he was able "to face my dead at last." Not here, not yet. He wanted happy conventional parents in his dream, he wanted to be Protestant in a predominantly Protestant community, he wanted to learn early not to be a drunkard and to avoid sins of the flesh, and early he wanted to find pure love.

All right; all of us are plagued consciously or not all our lives by the idealism of adolescence. But the artistic use that O'Neill made of his unfulfilled adolescent yearnings is, to me, shocking. He didn't see his dream in any kind of perspective; he took it straight and put it down without comment. To use that dream without framework, without mediation, was to falsify. O'Neill lied. He contravened the major themes of his whole body of work—the attack on materialism and sanctimoniousness, the spiritual confusion and sloth, the provincialism that he found in American life. Many of his plays are strained and bloated, but their falseness comes from the juvenility of their attempts to tell the truth. Those were all dramas, at some level or other, of seriousness. Comedy, to O'Neill, evidently meant a commission to falsify. The play is one long ode to middle-class respectability, the whitewashed sepulchre whose emptiness he so fiercely exposed elsewhere. *Ah, Wilderness!* doesn't merely alter the biographical data of O'Neill's past to conform to that adolescent dream, it posits that dream as a worthy ideal. So it is not only his one comedy, it is—by his own standards—his one deliberate lie.

How chuckly and quaint it all is now—the old slang, even older than in 1933 when the play was first done, the jokes with the greenhorn Irish maid, the male-oriented universe, the Currier & Ives view of sex. And yet (the play seems to imply), darn it all, wasn't there something *to* all that? Didn't their lives back there make more *sense?* They didn't, no more than ours anyway, and O'Neill knew they didn't. What, in a lesser writer, would be merely romantic in him is meretricious. The aspects of American life that he took pains elsewhere to show as mere façade, he shows here as the whole noble structure. In his hands comedy became exactly the opposite of what it has been for most other great dramatists in history.

The Circle in the Square, which has lately taken to presenting other theaters' productions—*Scapino* by the Young Vic of London, *The National Health* by the Long Wharf of New Haven—now presents the Long Wharf production of *Ah, Wilderness!* Arvin Brown, the artistic chief of Long Wharf, is one of the few directors who can cope with the Circle's ungainly oval playing space, but

Films Worth Seeing

Coonskin. Cartoon-and-live vicious vaudeville about race-riven New York. Bitter, bawdy, sometimes brilliant.

Dog Day Afternoon. Brooklyn bank robbery. Factual yet fantastic. Best work so far by Al Pacino, the star, and Sidney Lumet, the director.

Nashville. The country-music scene as America-in-essence. Not nearly as daring and deep as it thinks, but some good performances (Lily Tomlin, Keenan Wynn) and some deft direction (Robert Altman).

Smile. How can you satirize a beauty contest? You can't. But if you're going to try, it's good to have this cast and this director (Michael Ritchie).

SK

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he has been less successful with his casting and performances here than in *The National Health*. Richard Backus, the Richard, is an earnest young journeyman-actor, but he has little appeal or force; he simply supplies what is required, like a recruit obeying a sergeant. Geraldine Fitzgerald has charm as his mother, but her acting has been more closely controlled in the past. Here her performance resembles an etching that has been somewhat carelessly printed. John Braden is miscast as the drunkard. O'Neill specifically asks for a man who is "short, fat, bald-headed, with the puckish face of a Peck's Bad Boy who has never grown up." (Remember Gene Lockhart, who first played the part?) Braden is tall, angular, lantern-jawed. Certainly a director can disregard an author's request if he then succeeds in his own way; but Braden doesn't look like a man who has been trading all his life on his puppy-like playfulness, seems to know he's wrong for the part and consequently pushes very hard. Teresa Wright plays the spinster; it's the theater's version of the mimetic fallacy to cast a colorless actress in a colorless role. Suzanne Lederer is clumsy in every way as the prostitute. Swoosie Kurtz—that's her name, I assure you—is too old for Richard's girl but plays it with some delicacy.

The one joy of the evening is William Swetland as Nat Miller. What a good actor. To see Swetland's name on a program—and I have seen him now in other O'Neill, in Shaw and Storey and Chekhov and other plays at the Long Wharf—is to know that in one role at least you are going to get tactful imagination, skill and unimpeachable validity. What a rare, fine thing these days to be a good "company" actor.

The first Nat Miller was George M. Cohan. (It was the first play by an author other than himself in which he had appeared.) Cohan objected strenuously to the saloon scene because—this was not so strange 40 years ago—he didn't want to be in a play that had a prostitute in it. He was right about wanting to cut the scene, even though he had the wrong reason: the saloon episode is utterly superfluous. So is the reunion scene between Richard and his girl. Both scenes could be cut without harming the play in story or in characterization, and the cuts would greatly help this long day's journey into the next day. But of course the two scenes get lots of patronizing chuckles, which makes them and O'Neill even more suspect. (I'm not arguing against audience enjoyment, just noting O'Neill's odd function in this one instance as crowd-pleaser.)

For the program and ads of this production the title is printed in stars and stripes. I suppose this helps celebrate the Bicentennial. No comment.

The American Ballet Theatre

Dancers and the Dance

As American Ballet Theatre's summer season at Lincoln Center progressed, many regular patrons must have felt decidedly mixed emotions whenever they opened their programs to find the same article on real estate awaiting them. Like all native dance companies except Balanchine's, ABT is "homeless," wrote Oliver Smith, an ABT codirector. There is no adequate theater readily available to them in New York except City Center, that cramped and cheerless pile originally intended as a Masonic temple for what would appear to have been a brotherhood of ascetic midgets. But for $10 million, dance companies can acquire and remodel Manhattan Center, the opera house Oscar Hammerstein I built—and ABT leased just before the season began. "Join me in a crusade to make it happen," Smith closed. Ballet goers were surely elated at the thought of never again having to endure a performance amid the hateful inadequacies of an auditorium only the oddest of fellows would prefer. But having seen ABT in the glittering comforts of the New York State Theater night after night, quite a few must have realized that what it needs under it most urgently is not a foundation of mortar and steel but a repertory consistently worthy of its great dancers.

The oddities this company has commissioned or imported would tax the capacities of the most commodious warehouse. Some classics and 20th-century masterpieces can be found among its still swelling collection, of course. Several made welcome appearances this summer. ABT's version of *Swan Lake* and *Giselle*, while hardly the most exhilarating around as designed by Smith and staged by David Blair, still offer its present galaxy of dazzling superstars their most satisfying opportunities to shine. So does its version of the fragile Danish classic, *La Sylphide*, that Erik Bruhn, once its noblest James, now its malevolently witty Madge, has retouched so tastefully. Let us hope that he will be allowed to do the same for *Coppelia* (not done this summer) and *Les Sylphides* (underdone this summer by all but Marianna Tcherkassky). Balanchine's *Theme and Variations* was no longer a frustrating embarrassment now that ABT's greatly improved corps can do it with sustained power and brilliance right through to the end of its canonading finale. But also hauled out repeatedly were items like Kenneth Macmillan's tediously busy *Concerto* and that endless flow of blowsy clichés that Alvin Ailey and Duke Ellington dumped into *The River*. The greatest of dancers cannot prevent an audience from feeling sandbagged after these inescapable works.

No choreographer better illustrates the peculiarities and failings of ABTs warehousing than Anthony Tudor. In some quarters, he is revered as the unfaltering master of the story ballet. ABT revived with equal piety his masterpiece, *Jardin aux Lilas*, in which continuously rewarding movement and music mesh with a credible romantic situation, and those dank and sputtering sexual fireworks, *Undertow* and *Pillar of Fire*. Ill-read balletomanes have always hailed such plotty exercises in unintentional hilarity as "Joycean" or "Proustian"; the garland that fits these losers like a noose is "lesser Tennessee Williams." A lack of any entangling plotline was the most gratifying feature of Tudor's newest work, *The Leaves are Fading*, the sole world premiere ABT offered this summer, though I'm sure hardened Tudorites can read volumes into the character, The Woman in Green, who begins and ends this atypical work by strolling through the woodland glen where young couples dance one *pas*

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de deux after another in stupefying succession, arms and legs pointed diagonally out. All *Fading* said to me was: "Look you! Tudor's dance invention is still limited and monotonous. And hark! His fear of using great music has not abated." Hearing lesser string pieces by Dvořák cloyed as much as watching the incessant lifts the boys had to do, often from a demi-squat. A new injury, "Tudor knee," may be the only record this eagerly awaited work will leave in dance history.

One worthy "literary" work by Tudor, his one-act *Romeo and Juliet*, remained untouched in the warehouse, but I dare say it will have to be moved soon to make room for his *Shadowplay*, another of ABT's failures from abroad. (I may be wrong, of course; maybe they'll dump it over in the corner by *Monument to a Dead Boy*, *Tales of Hoffmann* and *Le Baiser de la Fée*, to name only those duds of recent import.) *Shadowplay*, done here eight years ago by London's Royal Ballet, is about a Mowgli-ish jungle boy to whom things—odd things—occur. Since Tudor, as the expression goes, "created it on" the essentially passive Anthony Dowell—and since it flopped in New York—it would surely head everyone's list of works in which Mikhail Baryshnikov would be wasted. This quietly sensational young defector from Leningrad's Kirov can make any gesture an event. Yet in late July, there was Baryshnikov mired in *Shadowplay*, spending much of his time, and ours, watching the corps do monkeyshines, watching Jonas Kage act seductive and watching Gelsey Kirkland be borne to him, then be borne away. I understand it's supposed to be about Zen. It may well be. If only there had been more of interest in its choreography, as such, and anything of interest in its wheezy, cluttered score.

No recourse to mystic texts is needed to understand what ABT was up to in dragging this stillborn work back over from London, or why it also imported John Neumeier's *Epilogues* from Hamburg and Nureyev's oh-so-full-length *Raymonda* from Zurich. It is desperate as never before for new, or at least unfamiliar, works. The turbulent bouquet-hurling fans of its superstars demand novelties for their idols, and some of their idols have been registering complaints on their own. Foremost among the highlights of this long, hot summer were two unfortunate interviews in the *Times* with Fernando Bujones. This 20-year-old Cuban-American virtuoso, who automatically gets a shot at any work done for Baryshnikov, was unhappy with his secondary status and the minimal publicity given his winning the Bulgarian international competition. (Actually anyone who sees him once should recall forever Bujones' distinctive blend of elegance, pride and precision instead of restraint, the tautness of his sharply etched line and his bold bright-eyed delight in being there.) A friend of mine who'd heard him interviewed on the radio months before told me he was cogent and inoffensive, but when his words were filtered through print this summer, he seemed to some to be a petulant brat implying that Russians earn their fame merely by defecting. To his credit, Bujones in the inevitable follow-up interview in Sunday's *Times* was obviously distressed at such an inference, but by then the journalists already had their handle attached to this very young artist, as the headline proved. He'll be "The Bad Boy of American Ballet" for years.

Epilogues, by the American-born Neumeier, was intended to placate the champion interview-giver at ABT, Natalia Makarova, another Kirov defector. It's a rare newspaper in any city where she appears that has not featured one of her outbursts. She has rescued ABT! When will it rescue her by doing new, challenging works? *Epilogues*, a *pas de deux* with no less a partner than Bruhn to the Adagietto from Mahler's Fifth, was little more than a strand in such a lifeline. Neumeier, as "literary" as any choreographer around, often relies as much upon props (in this case, falling leaves) as upon gesture to develop his theme (an autumnal relationship, if you haven't guessed). He was far more successful than most in matching the shifting color and impulse of Mahler's seductive music. Those sweeps of leg and torso for Makarova were especially grand as equivalents of the orchestral surge. Yet I don't believe this work would hold up under repeated viewing with less than living legends in its russet costumes. Apparently it did not hold Makarova. She announced in *her* Sunday's *Times* interview that she was off to London to save the Royal Ballet and Anthony Dowell. Though one gained the impression neither project would take long, her return in November could not be counted upon. More than the journalists will miss her.

The season's quietest, firmest and most sensible protest was occasioned by Nureyev's lavish revision of *Raymonda*. Kirkland and Baryshnikov refused to learn it. Eleanor D'Antuono, a cold and toothy technician, danced it because she will dance anything. Martine van Hamel, the underused Canadian ballerina with a grand style, danced it because she gets too few opportunities. Cynthia Gregory danced it, and often, flanked by an off-form Nureyev and underused Bruhn, because everyone knew this was ABTs latest try to do something new that would be worthy of her. The obligation of expressing her gratitude must have taken a great deal out of Gregory. (Something did this summer; her *Jardin aux Lilas* was flat and her *La Sylphide*, with Ivan Nagy, found him stealing the show with clean, brilliant dancing.) In *Raymonda*, she was oppressed either by Nicholas Georgiadis' costumes or the inescapable presence of Nureyev. It seemed that every other time she turned around, there he was—first of the great Kirov defectors, pushing his charisma before him as if it were Falstaff's paunch, proudly striding toward her and her spotlight. It may have been Cynthia's *Raymonda*, but it was Rudi's version. Not until a very distant Act III, after the watery plot had finally evaporated and more of Petipa's original choreography was showing through Nureyev's fussiness, did this prop-and drop-happy production justify what must have been a staggering import duty.

Kirkland's refusal to pluck this rottenly ripe plum was in line with all the other decisions this young American has firmly made throughout her brief, but spectacular, career. While the fleet-footed *wunderkind* at the New York City Ballet, she risked Olympian thunderbolts by disregarding Balanchine's ukase against taking class outside the company. With equal daring, she left to become Baryshnikov's partner in ABTs unfamiliar repertory. As she works her way into the great roles it does contain, she reveals a gift for characterization few could have guessed from the just-hatched quality of her Firebird at NYCB. Her Giselle, while still tentative at odd points, had moments of efflorescent adagio phrasing where the gently undulant line of torso, arm and wrist embodied the music with breath-taking success. Those who see such dancing—and I've seen it most often from Makarova and NYCB's criminally underappreciated Violette Verdy—are left feeling the essence of ballet has been set before them, as on an altar.

Nature has allowed the male dancer to embody only robust musical elements,

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like rhythm, but if any man ever achieves such hushed delicacy in a thoroughly masculine manner, he will probably be Baryshnikov who can already do it in mime. His dancing has the unforced, wasteless splendor of Björling's singing or Toscanini's conducting. He unfurls his most spectacular mid-air feats radiating the sweetest, most unaffected virility imaginable. Utterly secure in technique, artistry and masculinity, he has no compulsion to flaunt or prove anything in what he does. He just does it, superbly. (In rare instances of miscalculation, he serves as his own critic, too, looking quietly glum as ABT's connoisseurs erupt.) For Baryshnikov, we will endure even the programming of a management that blithely schedules with no regard for choreographic or musical distinction. The least his heaven-blessed employers can do, after he pays off the mortgage on Manhattan Center, is rename it The Kirov West.

Harris Green

Harris Green is a New York editor who covers music and theater.

Reed Whittemore on Television

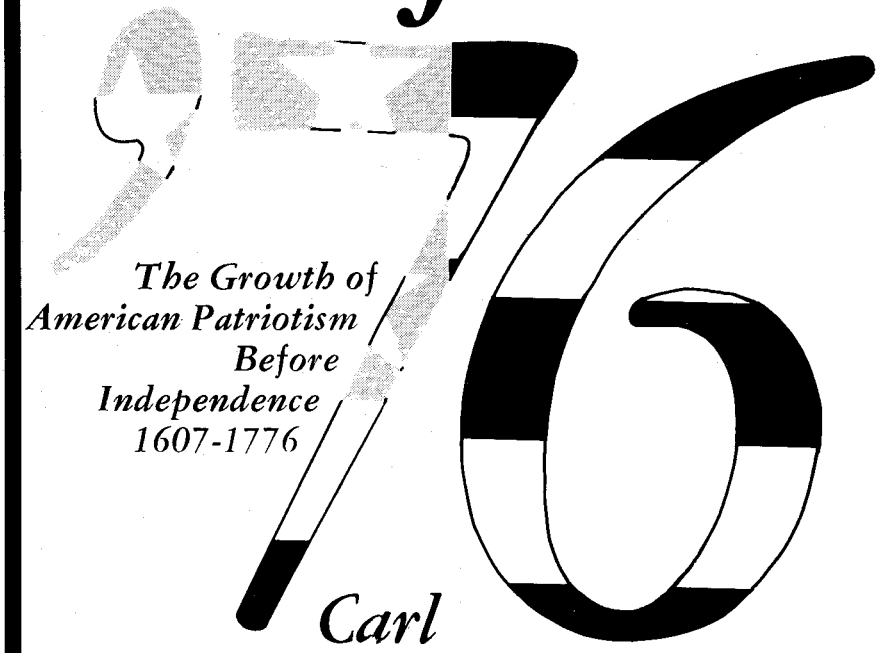
Wheelies

Most of TV's cops-and-robbers shows give half of show-time over to the adventures of ordinary American sedans as they conspicuously trail one another, or as they gravely pull up to curbs. Except for an occasional chase they move at five mph, the camera is at street level focusing on wheels, the music is Ferde Groefe-ish, and the cops and robbers in the ordinary sedans are of a uniform ordinariness. (The exotic consists of a fatman like CBS' "Cannon" or, in one of the new shows, of a Mercedes instead of a Ford.) The allure of these wheelie scenes could not well be understood (could it?) outside of our own dear American emptiness, since the people outside could not know (could

The origins of the American Revolution.

The country's sense of national identity began with the first settlement at Jamestown and, argues Carl Bridenbaugh, was well established by the time the colonies declared their independence. To support this thesis, he examines the religious, ethnic, economic, and political forces that shaped distinctly American attitudes among nominally British colonists. This is a book which, *Library Journal* suggests, "should be required reading in this Bicentennial Era."

The Spirit of 76



The Growth of American Patriotism Before Independence 1607-1776

Carl Bridenbaugh

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they?) that drama resides in the stopping of wheels, the opening of car doors, the stepping out of cops and robbers and the closing of car doors. An incomprehensible theory of drama it is, and we comprehend it perfectly. It is, except for the Mercedes, Detroit Ballet.

Remember the film *American Graffiti?* That show was *echt* American too, and it was also vehicular ballet; but unlike TV's *Detroit Ballet* it was graceful and lively. Its locale was main-street-saturday-night-small-town-teenage USA, and its cars had character, its kids had character, its music had character, even its opening of doors had character. As ballet the film was thematically and humanly vigorous, telling us that we were watching the dance of life of a certain place and age, and asking us to observe that the dance had—as it had—beauty and meaning. Not so, Detroit Ballet.

In Detroit Ballet the car shots are of elephantine late models and give us no society and no flesh and blood, give us only the purgatory of cop following robber down the years as the vehicles house them and pace their vacant ritual.

In late summer I balleted myself out to Indiana in my own four wheeler, alone. I was not (I think) followed. I slept in TV motels. I lived the perfect life of a TV columnist for seven days (and was bored stiff) except that at one point I was treated to a new twist to the opening-and-closing door drama. Suddenly when I was not watching TV but getting out of my own car my own car door wouldn't *close*. I mean that it wouldn't latch but would, upon being slammed, swing helplessly open.

What, I thought professionally, a breakthrough.

But I wasn't sure. Would it or would it not make a scene in "Cannon"? I tried to imagine how the fat man would open the door of his fat Ford, would successfully but with vast physical strain extricate himself from under the steering wheel, would waddle forth, would slam door—and the door would swing dramatically open.

And he would be grim-lipped.

But would he then discover, as I discovered, that a Phillips screw was missing? To do that he would have to bend down (another great physical event) and squint (yet another) and think deeply (yet another) while the robber in the other car (whose door had stayed closed) went elsewhere. Then he would have to decide whether to fix the door or waddle after the robber, a decision that was asking much of Cannon as well as TV. Would they be up to the scene? I doubted it.

On a less dramatic day of my trip I read in the Indianapolis paper of a young TV actor named Martin Sheen who, after being honored at a TV luncheon, rose to complain of the "crap" on TV. I knew instantly that he was talking of Detroit Ballet but the news account had it that his aim was broader; he was speaking of "the crap that starts in the morning and continues all day." He thought the trouble with TV was not the opening and closing of doors but the stupidity. He said the trouble was that "the people running the programs" assumed that the TV audience was stupid when in fact "the people running the programs" were stupider. A familiar complaint. I could sympathize with him, and meditate serenely about the intelligence quotients of the wheels-and-doors people of TV—yet stupidity was not, I thought, finally the menace that emptiness was.

There was a difference between them. Stupidity was more native, built into the organisms. Emptiness was environmental. Emptiness could be inside but it came from emptiness outside. What Sheen was missing in his high critique was the emptiness.

It is an emptiness that may destroy our society, an emptiness that has swallowed up local and familial commitments, an emptiness turning us all into loners. It is the emptiness of assassins like Squeaky Fromme whose face is an anti-face and who murmurs of redwood trees, and like Sara Jane Moore who says she doesn't know why she did it. It is an emptiness that reduces all social endeavors to anarchistic ephemera, renders community control over social change impossible, eats up life energies in nasty little self enterprises, rushes our citizenry to drugs and alcohol. It is a dandy big emptiness, and while TV did not create it TV is doing wonders to enforce it. There is no finer place for the emptiness to thrive and grow strong than in front of the tube—especially during wheelies.

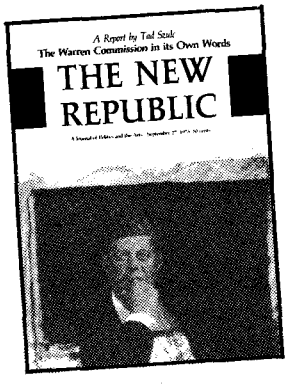
Should we not be happy then that "All in the Family" came along a while back with its hammy but credible life to shake things up? Yes, and we should be happy too about "All My Children" and the other soaps, and happy now in the arrival of "Beacon Hill," happy for any show that has any design upon the emptiness, makes any effort to provide a social context for wheels and doors.

But not of course too happy. I'd rather hear Captain Kangaroo's frogs sing "Breezing Along with the Breeze" than listen to the sappy lines of a recent villain on "Beacon Hill," the one who tried to extract 10 grand from old man Lassiter. Have any of the TV moguls thought of putting those frogs on prime time?

And even if the shows were to improve more than we can expect them to improve, in giving us life as it is lived rather than wheelie fantasies, we should be most restrained in our happiness so long as the TV moguls think, as they do indeed think, largely in terms of audience hypnosis or conditioning. These are the moguls, remember, who are firm about retaining their freedoms, who are sure that government regulation is an ill wind, who are fully persuaded of the permanent good health of their free competition game as they play it for the souls of our 68 million TV families. One of the moguls was quoted in *The New York Times* at the beginning of the fall season (in an article by Jeff Greenfield in the Sunday Magazine section, Sept. 7) as saying that the main thing was "to develop a viewer-habit pattern" because if you could do that the audience would then keep coming back "like Pavlov's dog."

The mogul who spoke was an NBC

"Perhaps . . . only a new examination of the [Kennedy] case will satisfy the people."



The New Republic's September 27 issue provides the first in-depth look at the recently declassified transcripts of the Warren Commission investigation. It's an issue you'll want to keep.

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vice president, Don Carswell, and he was quite right that viewer-habit patterns are potent patterns and that the networks have sound commercial reasons for going crazy-wild each season trying to develop them. What was alarming about his remark was his readiness to equate the viewer-patterns with conditioning, to do so without a qualm as if developing doggy responses among the 68 million was a noble enterprise. Would he have made the same remark in front of a committee of concerned doggy citizens, or in front of the doggy FCC?

Maybe on some gloriously bright utopian day 20 years from now a TV mogul will rise among his papers and positively *question* TV's Pavlovianism as well as the freedom double talk that goes with it, but until that day Detroit Ballet will continue, and the other hypnosis programs will continue, and there will be no significant program variety during prime time.

Addendum. In the September 20 issue of *TNR* I rambled on happily about one form of prime-time variety as represented by Eric Sevareid's summer interview show, "Conversations," and regretted that either Sevareid's show or Mike Wallace's "Sixty Minutes" would probably have to be cut by CBS because of the prime-time squeeze. I made noble pronouncements about their double worthiness only to discover later that *both* Sevareid and Wallace are off for the fall season. Too much football, said the CBS press office in Washington. The office couldn't explain why "Kojak" had recently been given two hours on Sunday night, one of the hours being the former time for "Sixty Minutes," or why after the two-hour "Kojak" a whole new wheelie was introduced to follow "Kojak"—the new show "Bronk."

In a rational society Sunday night or any other night could be organized on the tube in such a way that the networks could take turns *not* playing Pavlov, take turns breaking up the wheelie-football patterns instead of enforcing them, on the grounds that the patterns are quite obviously inimical to the high aims and hopes of a free society for its citizens. Yet surrounded by the empty unreason of pure money the Pavlovians would infallibly find any such plan an interference with *their* rights. The only real hope, then, for us dogs at the moment lies elsewhere in the possibility that the Pavlovians will inadvertently destroy themselves before they destroy us.

This inadvertence will be the subject of a later column.

Books Considered

The Book of Abigail and John ed. by L.H. Butterfield, Marc Friedlaender and Mary-Jo Kline

(Harvard University; $15)

Abigail Adams (wife of John, mother of John Quincy, great grandmother of Henry) was an exuberantly bad speller. She had suffered "the contracted Education of the Females of my own country." Although she had characteristically acquired more French in Braintree, Massachusetts, than her Harvard husband, the future diplomat, she wrote: "I feel a gaieti de coar to which before I was a stranger." In one letter of 1771 she wrote "a Knowledg of Humane Nature

Abigail Adams, 1776 by Benjamin Blyth. Courtesy of the Massachusetts Historical Society.

. . . Itally . . . Eaquality . . . our boasted priviledg . . . alass!" But how her wisdom and love dominate this extraordinary book.

A centennial ago, when her grandson Charles Francis Adams brought out *Familiar Letters of John Adams and His Wife, During the Revolution,* he thought it only proper (and Charles Francis, on the whole, was only proper) to correct Abigail's spelling. He turned her "topsa turva" back to "topsy turvy," "conster" to "construe," "bugget" to "budget." But reading Abigail to John in the original, so to speak, as we can in this excellent selection from the many-volumed *Adams Family Correspondence* that has been coming out from the Harvard University Press, we can see that her cheerful slips of the pen were charmingly rustic, vigorously intimate. Abigail Adams was an extraordinarily passionate and gifted woman whose intellect and literary expressiveness so far exceeded her "contracted Education" that we must be doubly glad gloomy John Adams moved onto a world stage from a provincial law practice. Without his fame, we would not know her quality—without it she would not have needed it all.

The Book of Abigail and John is wonderful for what it tells us of the American Revolution from the inside (a Revolution here colored by the Adams earnestness, priggishness and identification of any Adams' purpose with God's). But what makes it one of the prime documents in our literature is the married love of John and Abigail. Separated for four years when John was in France, Holland, Spain for the struggling young republic, they wrote to each other as "dearest friend" with an ardor about each other, a realism about the world, an exaltation of the Revolution, that lifts these "familiar letters" above anything "familiar" I can think of in the writings of America's classical leaders.

From John and Abigail to Henry, what made Adamses—most of them—such extraordinary writers was their ability to identify anything personal with a destiny larger than their own—national, religious, even cosmic. Henry James missed the point when he confessed himself astonished by the gift for personal revelation displayed in *The Education of Henry Adams.* The book of American history was to the Adamses *their* Book of Revelation. Here is John to Abigail, 1774—

> *We live my dear Soul in an Age of Tryal. . The Town of Boston, for ought I can see, must suffer Martyrdom; It must expire: And our principal Consolation is, that it dies in a noble Cause. The Cause of Truth, of Virtue, of Liberty and of Humanity . . .*

The first session of the Second Continental Congress brought out of him:

> *No Assembly ever had a greater Number of great Objects before them. Provinces, Nations, Empires are small things, before Us.*

And Abigail on Bunker Hill:

> *The Day; perhaps the decisive Day is come on which the fate of America depends. My bursting Heart must find*

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vent at my pen . . . The race is not to the swift, nor the battle to the strong, but the God of Israel is he that giveth strength and power unto his people . . . God is a refuge for us. Charlstown is laid in ashes. The Battle began upon our intrenchments upon Bunkers Hills, a Saturday morning about 3 o'clock and has not cezsed yet and tis now 3 o'clock Sabbeth afternoon."

From The Hague, August 1782, John Adams wrote that Braintree "is a remarkable spot" because it produced John Hancock, John Adams and John Adams' *father* . . . "It has produced three mortals . . . who have, with the best Intentions in the World, set the World in a blaze . . . Glorious however as the flame is, I wish I could put it out . . . I was born to be in such times but was not made for them. They affect too tenderly my Heart."

John was indeed a great worrier about himself and his health (he lived into his 90s), and intensely suspicious. He thought as a matter of course that Congress used him mercilessly, that fellow diplomats like Franklin were in conspiracy against him, and that his illnesses showed his sacrifices for his country. Writing from Europe at a time when ships and letters were often seized by the British, he could not tell Abigail most of what was worrying him in his difficult negotiations. Yet though he complained endlessly of his discomfort in Europe, his loneliness, his impending economic ruin, he rarely confessed to ambition or to the pleasure he took in playing such a great part in "politics."

This grumbling was not so much hypocrisy as his severe judgment of human nature—especially his own. "Self-interest" ruled the world, and he affirmed this to Abigail because he needed to get on with the "cynicks" around him. At the same time, he and Abigail both had an exalted sense that the poor little colonies were more "Virtuous" than "luxurious" Europe. Braintree was more in the confidence of God than was Paris. "Luxury, wherever she goes, effaces from human Nature the Image of the Divinity. If I had Power I would forever banish and exclude from America, all Gold, silver, precious stones, Alabaster, Marble, Silk, Velvet and Lace." Many people and countries became unworthy of his good opinion. He was shrewd enough to see that absence from his wife could sour him on the world.

My soul and body have both been thrown into Disorder, by your Absence, and a Month or two more would make me the most insufferable Cynick in the World. I see nothing but Faults, Follies, Frailties and Defects in any Body, lately. People have lost all their good Properties or I my Justice, or Discernment.

Abigail kept him steady: that is, she kept his mind on politics as the great public interest, and thus on John Adams the public guardian of virtue, liberty, patriotism—and American simplicity. With both of them "character" was a fixed thing (among other fixed things in the 18th-century calculus of human nature). Yet at least once John Adams' rigidity made him openly absurd to his wife. He vehemently (by slow mail from Europe) opposed the engagement of his daughter to Royall Tyler; the young man had too much "Gaiety" in his nature.

Abigail was openly a creature of 18th-century "sensibility": John was afraid of his. Although John and Abigail seem to have doted on each other with the parity reserved for heaven, Abigail was in words so openly, so much more eloquently, so much more rousingly, the lover, that it is impossible to read her overflowing letters without recognizing that John Adams was indeed the heir of some special destiny. What a woman! Abigail never stopped caring, never stopped writing, never stopped looking after the family farm and finances, worried about the wounded, got John to ransom from his own funds some

A critic at his very best.

The author of *Yeats, The Anxiety of Influence,* and *A Map of Misreading* now provides the keystone in the arch of his own critical enterprise. He shows that his rich psychological insights go far beyond the classical Freudian interpretations, having their roots directly or indirectly in the principles and methods of the great kabbalistic commentators. Professor Bloom goes on to show how the Kabbalah literature can be a model for contemporary criticism and to indicate the direction of his own future work.

Harold Bloom

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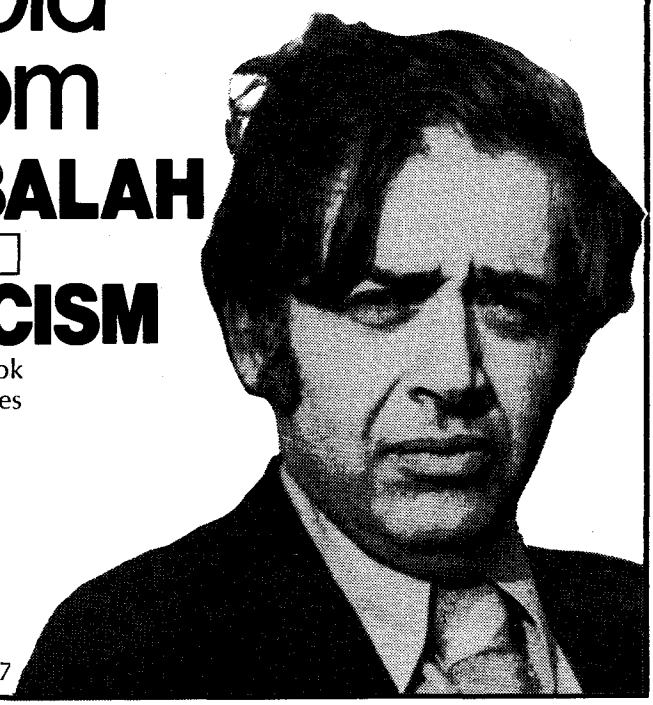

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Braintree boys made prisoner by the British. But as she said, God watched over John. "And this confidence which the world cannot deprive me of, is my food by day and my Rest by Night."

But this most devoted of wives could tease and prod her pompous husband the statesman of a new made country:

> *. . . and by the way in the new code of Laws which I suppose it will be necessary for you to make I desire you could Remember the Ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could.*

Alfred Kazin

Alfred Kazin is author most recently of *Bright Book of Life: American Novelists & Storytellers from Hemingway to Mailer* (Atlantic Monthly Press).

Allan Nevins on History Compiled and Introduced by Ray Allen Billington

(Scribner's; $15)

Allan Nevins was a copious and old-fashioned historian, and this substantial selection of his shorter pieces, loyally edited by his friend Ray Allen Billington, amply displays both of these qualities. The first impression that this is a voice from another age only grows stronger as one keeps reading: historians would no longer write this way, in this spirit, even if they could. These 30 pieces, in the main vigorous reflections on history and business, history and journalism, history and its techniques, ending with rather extravagant appreciations of a septet of "great" American 19th-century historians, are not merely about the past; they are from the past. In a time when everything, including the meaning and purpose of historical scholarship, seems uncertain, Nevins' assured tone and firm views give one (as the saying goes) to think.

Out of tune with recent historians' needs and practices, Allan Nevins was something of an outsider in his profession even during his lifetime. He came to history from journalism, and never compromised his commitment to drama, simplicity and clarity. He entered the, for him, dubious ground of academia in 1927, when he was already in his late 30s; his long career at Columbia University, as vivacious and singleminded as his own writing, began after he was 40. It proved a productive career, productive among other things of anecdotes—about his irreparable forgetfulness, his almost maniacal hoarding of books, his obsessive devotion to work, his protective handling of graduate students—which have the virtue of being, by and large, true. Ray Billington records a number of them in his highly personal introductory memoir, and it would have been easy to enlarge the catalogue. Anyone who, as Billington notes, found time to write "well over fifty books," edit "at least seventy-five more," and publish "perhaps a thousand articles, reviews and essays"—all in the midst of exhausting teaching duties, demanding editing and exploitative graduate students—must have been something of an eccentric, either a monk or a miracle. And Allan Nevins was not a monk.

Billington rightly notes that Nevins' colleagues at Columbia found it impossible to be angry with him, but did find (as Billington, fairly enough, adds) Nevins' automatic and impassioned defense of his students a source of some irritation. If the student was stupid—and many of them were—Nevins piloted him through the oral examinations by pleading his praiseworthy diligence and pitiful domestic situation; if the student was illiterate—and some of them were practically that, too—Nevins engineered his PhD by virtually writing his dissertation. Billington might have added that his colleagues also found Nevins' productivity rather dismaying. So did the profession as a whole: he was 69 when he was finally elected to the presidency of the American Historical Association, the supreme, practically the only, accolade that historians in the United States can bestow on a fellow craftsman. Nevins won many prizes and awards for his massive biographies of businessmen and his voluminous history of the Civil War, but historians remained skeptical of his ease and suspicious of his fertility.

This professional reserve, hardening into indifference in the decade following his death, is not principally a matter of envy, the revenge of the pedant on his indefatigable nemesis. Nor is it simply a response to his political stance, though his politics enters into it. Nevins was a pioneer among business historians, and cherished the towering figures he wrote about. When he scolded businessmen, as he sometimes did, for withholding precious papers, he did so fraternally: he thought that this would simply prevent a fair—which was to say, generally favorable—company history from appearing, and leave the field to malicious muckrakers. All this had its value: Nevins argued, in some of the essays

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reprinted here, and in many of his lectures at Columbia, that American businessmen and industrialists had not so much been heard and condemned, but condemned without being heard; as Nevins saw it, these "robber barons" had done much to turn the United States into a productive and powerful force for good. Never one to neglect the long stretch of causal chains, Nevins would insist that without John D. Rockefeller and his like, the United States could not have helped the Western world defeat Hitler. This, too, though perhaps better done a little more moderately than Nevins was inclined to do, had its value, if only as a corrective. Nevins looked upon his colleagues with as much suspicion as they had for him. They were, he thought, automatic Progressives, given to treat Henry Ford and his like as thugs and thieves, with much feeling but little evidence. But in celebrating what he might have done better to treat soberly, Nevins failed to perceive, let alone address, the reasons why most American historians found themselves on the side of the muckrakers. "Rightly understood," he told the American Petroleum Institute, business history is "full of the most alluring adventure and romance."

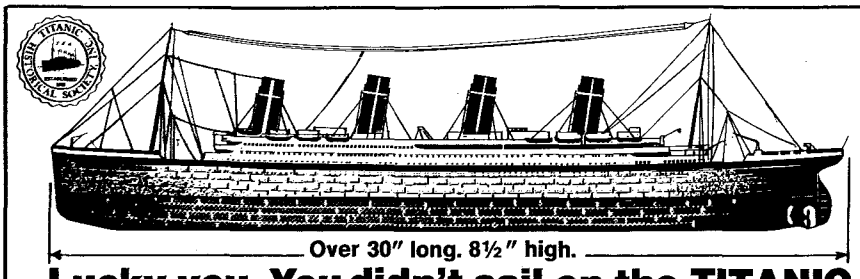
One need not be a Marxist to wonder at so sunny an attitude. For Nevins' enthusiastic acceptance of most, if not all, dispensations that the American business "community" bestowed on its country, was a symptom, less of conservatism than of an invincible simplicity. Nevins enjoyed a supreme self-confidence that permitted him to treat ambiguous issues as clearcut, unresolved issues as settled. It was this self-assurance in face of an uncertain past that enabled Nevins to publish so much. He worked hard, he searched for documents, he respected his sources. But he never looked back. In a profession in which nagging comes, probably, too quickly and self-doubt is endemic, Nevins praised too lavishly and never doubted at all—at least not in print. I have nothing against the serene tone of confidence in a historian; the greatest historians of our age, men like Elie Halévy or Marc Bloch, had that tone in abundance. But it was a tone of problems faced and resolved, not of problems evaded. Yet doubt, or facing problems through, would have spoiled Nevins' speed, and tarnished his shiny tale of alluring adventure and romance.

Nevins wanted books of history to be both dependable and popular, and, to do him justice, he did not counsel neglecting dependability for the sake of popularity. He certainly used his raw materials responsibly and, as some of the papers in this volume show, repeatedly urged historians to acquaint themselves with the findings of neighboring disciplines. He liked to say—and in this book says again and again—that the modern historian must grasp the social context of human actions. But there is no evidence that, rhetoric apart, Nevins ever seriously confronted the question just what such a grasp would require, or that he ever seriously explored sociology or psychology. His perfunctory, if repetitive, commendations quickly lapse into complaints that their practitioners write badly and that, in any event, to master them would take a lifetime better spent writing history. That the style, and the demands, of social sciences raise obstacles for the working historian is doubtless true, but here, as elsewhere, Nevins preferred to sweep the obstacles aside with a few soothing, or impatient, commonplaces.

The point is that Nevins' ideal was in many respects incomplete. It is not that he chose mass appeal over accuracy. But the historian can write well, and cite his materials correctly, and still remain afloat on the surface of events. History, Nevins insisted, is an art; the historian, he also insisted, is a story-telling artist. Both statements are partly true and, as correctives to the jargon-ridden, bootless quantification so popular among professional historians today, quite helpful. But to denigrate the table-laden monograph or the technical treatise, and to equate the literary side of historical writing with all history is to invite the historian to write *mere* literature. Not every historian can do everything equally well, and not everything at once. He needs the assembly of facts, the scaffolding of theory, the well-digging of conjecture as much as the felicities of style. He is short-sighted as well as ungrateful if he neglects or slights the very food of which he must feed. "Explosive excitement," the quality that Nevins thought the central quality of the past and the central interest of the historian, is no substitute.

Peter Gay

Peter Gay is Professor of History at Yale.



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The Back of the Book

J.M Synge (Part Two)

It's a good thing that Synge did not wait for one play to be produced before starting another. The critical reception given *In the Shadow of the Glen* was angry enough to have discouraged most writers. Later, in the *Playboy* riots, when Synge would look back upon mere hostile criticism as the halcyon days, he could also be sufficiently secure in the judgment of his own worth to let public condemnation go with scorn. For now he simply worked. In April 1903, he began *The Well of the Saints*. In June he read *Shadow of the Glen* to the Theatre Group. In August he did a preliminary draft of *The Playboy of the Western World*. In September *Riders to the Sea* was published, and *Shadow of the Glen* was in rehearsal for its opening on October 8.

The Playboy of the Western World will be presented by The Public Broadcasting Service on December 11.

As soon as the play appeared, Synge was caught in a war between the Irish press and those members of the Ascendancy such as Yeats and Lady Gregory who were heading the theater movement. *In The Shadow of the Glen* is a story based on a Wicklow "hearth-tale" about Nora Burke, whose husband pretends to be dead in order to check her fidelity. The idea that an Irish country wife would ever run off with a tramp, as Nora does at the end of the play, was according to the *Irish Times* "a slur on Irish womanhood." Arthur Griffith, editor of the nationalist *United Irishman*, called the *Shadow* "decadent," and compared Synge to "any Englishman who has yet dissected us for the enlightenment of his countrymen."

Behind this anger, and the uproars to follow, there was a real issue—what was meant by a "national" drama? What theater was "good" and "right" for a nation seeking to be free? Synge's friend Stephen MacKenna, the journalist and translator of Plotinus, wrote to Synge in praise of *The Well of The Saints*, but added: "I imagine your play would be better understood in France than in these dull lands." During the controversy over *Shadow of the Glen* he told Synge that he believed in the "ripeness and unripeness of nations," and that "Ireland [was] blessedly unripe" for Synge's way of looking at her. MacKenna was a good index of Irish opinion on this question of propriety. Learned, sensitive and understanding Synge's intentions, he nevertheless would rather have read Synge in a book than to have seen the plays performed for his anxious countrymen.

Synge answered MacKenna with one of the rare statements he ever made about the nature of his work. MacKenna had urged him toward a "purely fantastic unmodern . . . Cuchullainoid [sic] theatre." Synge replied that "no drama can grow out of anything other than the fundamental realities of life which are never fantastic, are neither modern nor unmodern, and as I see them rarely spring-dayish or breezy or Cuchulainoid." As for coddling immature audiences,

> *Do you think that the peasantry—the people—of Norway are less blessed . . . . than the Irish? Do you think that if they are as innocent as the Irish, then Ibsen should not have been played in Norway, and therefore, have never become an efficient dramatist? Do you think that because the people I have met in the valleys of Wurzburg and the Rhine are as unripe as those of Kerry and Galway that Sudermann and Hauptmann should be driven from the boards of Berlin? The Dublin audiences who see M[me] Rejane in Ibsen, Mrs. P[atrick] Campbell in Sudermann, Miss Olga Netherstink in Sappho etc. etc. are hardly blessedly unripe! They want to suck smut every evening and to rise up every morning and say, 'Behold we are the most virtuous nation in Europe. Thank God we are not as other men.'*

On February 25, 1904 *Riders to the Sea* was performed with AE's *Deirdre*. On December 27, the Abbey Theatre opened. *In the Shadow of the Glen* was again performed, and the Yeats-Griffith controversy reheated. On February 4, 1905 *The Well of the Saints*—about an old blind couple who gain sight and lose their dreams—opened to little notice. By

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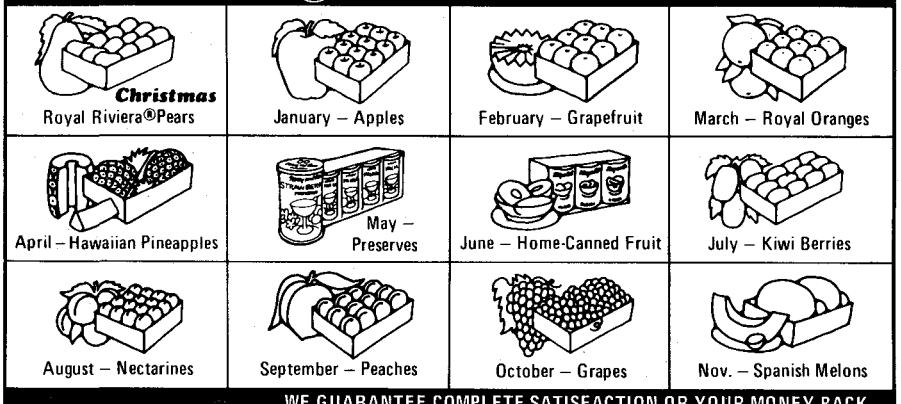

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November, 1906 Synge was working on the *Playboy* for a scheduled December production, later postponed. On January 8, 1907 the *Playboy* went into rehearsal and on January 26, it opened. Nothing since the arrival of Jesus has ever had such a premiere.

"On the coming out," wrote the fastidious Joseph Holloway in his diary, "Lady Gregory asked me what was the cause of the disturbance and my monosyllabic answer was 'Blackguardism'—to which she queried, on which side? 'The stage,'" said Holloway; "Synge is the evil genius of the Abbey and Yeats his able lieutenant." *The Freeman's Journal* proposed that if an English company had "attempted such an outrage the public indignation would be rightly bitter." The reviewer for the *Evening Mail* found it a pity "that such fine acting [of the Fay brothers and Sara Allgood] and such smart dialogue should be wasted on so grotesque a play." The *Irish Times* advised Synge to "sacrifice the 'remorseless truth' if his play is to be made acceptable to healthy public opinion."

Yeats and Lady Gregory disregarded public opinion, healthy and otherwise, and decided to run the *Playboy* for another week. Every night there was stamping, booing and shouting from the audience. The police were called in, making matters worse. On Tuesday night a group of boys from Trinity College showed up "as patrons of the free drama" and sang "God Save the King." Yeats took the stage, making vain entreaties to the audience. William Boyle, the most popular and profitable Abbey playwright, withdrew his plays in protest from the company. Fist fights were normal; public debates raged; and even after that week, long after, the mere mention of the *Playboy* was enough to start a brawl. When the play toured America in 1911-12, it was attacked ferociously. Five years after Synge's death, someone signed "Observer" could still appeal to the readers of the *Freeman's Journal* by calling the *Playboy* a libel on the Irish peasant, and Synge's work "the outcome of a neurotic brain and a grovelling imagination."

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The reasons for this vehemence ranged from Synge's use of the word "shift," a small shock to the audience's sensibilities, to what many saw in the play as yet another gross caricature of the stock Irishman. The most outrageous insult was the plot itself: an Irish village glorifying and protecting a young man who had killed his "da" and assaulted society; that, and the implication that there was such a thing as a deliberately loveless marriage in Ireland. There probably would have been more violent reactions to the play had the audience caught one of its slier offenses; Pegeen Mike and Shawn Kehoe are cousins, and the dispensation sought from Rome, referred to early on, is to allow the not uncommon practice of an intra-family marriage.

Things that were important to reviewers and politicos, however, were not on Synge's mind, either when he wrote the *Playboy* or any of his work, since it is all of a piece. The key to Synge lies not in violations of taste, but rather in the massive solitude from which he viewed the world, and within which he saw man's proper and lamentable place. His most important term was "desolate." The word appears continually in his works, meaning not merely the absence of life, but the absence of life where life had once been strong. "Desolation" was caused by an establishment or hardened order, such as external nature itself. The more people resembled external nature in appearance or action, the less human, vital, they became, and the more submissive to death-in-life.

Yet there could be "splendour" in the submission if it were fought. Nora Burke goes off with the tramp so as not to resign herself to "a lonesome place." Maurya *(Riders)* gives in only when the sea has taken every man in her family. Deirdre gives in only when the legend to which she is bound prevails. Pegeen's tragedy is the prospect of a dead life with the pipsqueak Shawn. When Christie goes, she has not only lost "the only Playboy of the Western World," but the fight against custom.

Synge knew that this fight could be terribly funny, and could drive one to do strange things. In *The Well of the Saints* the Douls strive for their former blindness because they groped in the light. Nothing is as crazy as it first appears, and the comedy of the plays, often so hilarious, is a way of mocking and surviving an implacable universe. Man at his best *is* comedy standing in relief from desolation. And he is also

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part of the desolation with which he contends making both more beautiful. It ought to be added, however, that this universe of Synge's was not presided over. Synge believed in God, but also believed, as he said in an early unpublished play, that He cares "as little for us as we care for the sorrows of an anthill." Perhaps the Dublin audiences perceived this as well. It would explain the longevity of their hatred of the man.

On June 5, 1907 the cast of the *Playboy* stumbled into Oxford, still reeling from the winter riots. But this time there was only cheering, and from then on, outside Ireland at least, Synge's reputation was assured. At about this time he fell in love with Molly Allgood, the actress and Sara's younger sister, a stunning woman, much younger than Synge. Between June and August, 1908, he and Molly had four happy weeks together before she went on tour with the theater company. Synge had begun work on *Deirdre of the Sorrows*, the story of an old king who loves a beautiful young woman to whom he represents desolation.

On April 28, 1908 doctors had discovered a lump on Synge's side. Synge had an operation on May 4, but recovered sufficiently to continue with *Deirdre*. In late September Molly was with him again. He asked half in jest if she would attend his funeral, and her answer inspired a poem, "A Question":

I asked if I got sick and died, would you
With my black funeral go walking too,
If you'd stand close to hear them talk or pray
While I'm let down in that steep bank of clay.
And, No, you said, for if you saw a crew
Of living idiots pressing round that new
Oak coffin—they alive, I dead beneath
That board—you'd rave and rend them with your teeth.

By January Synge's health was too low for work. On February 1, he was in the hospital again for observation. He died of Hodgkin's disease on March 24, 1909.

Roger Rosenblatt

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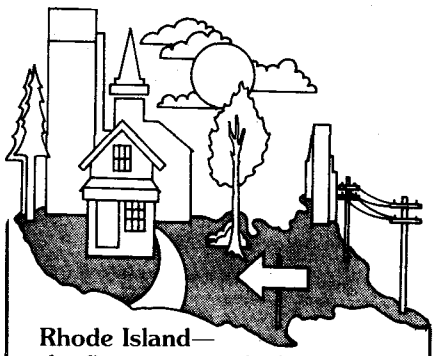

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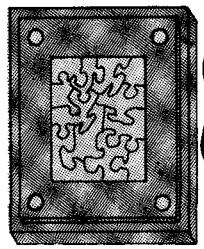

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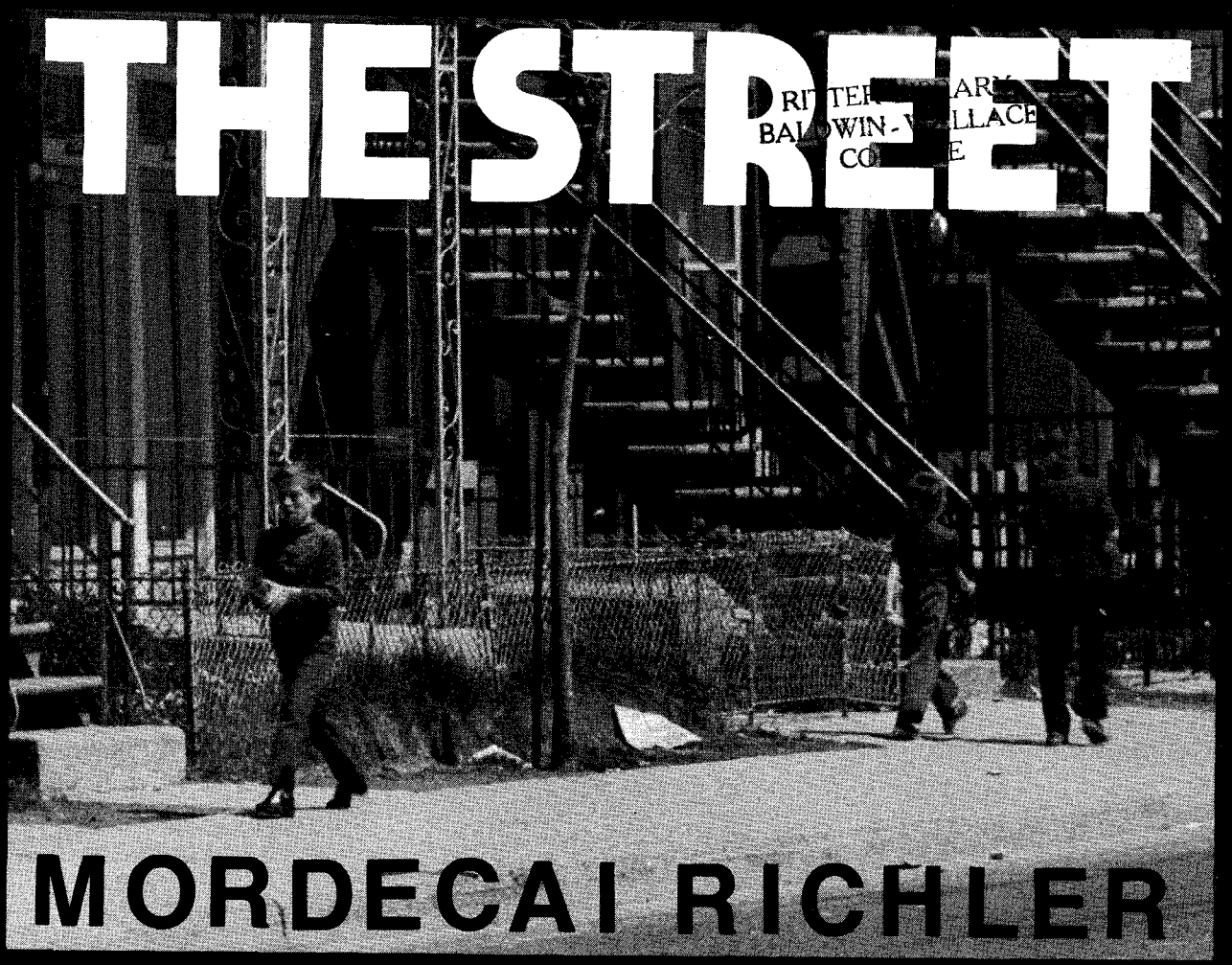

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